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PROVISIONAL MANUAL

OF

AIR-FORCE LAW.

AIR MINISTRY, 1918.

LONDON:
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NOTE.

In the first issue of a publication of this kind there must inevitably be errors; any corrections or suggestions will be welcome and should be addressed to

The Editor,
(*Provisional Manual of Air-Force Law*),
Air Ministry,
Strand, W.C.2.

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PROVISIONAL MANUAL OF AIR-FORCE LAW

PREFACE.

1. This Provisional Manual of Air-Force Law contains :—

(1) The Air Force (Constitution) Act, 1917 (except the Schedules).
(2) The Air Force Act.
(3) Rules of Procedure with Appendices.
(4) Rules for Field Punishment.
(5) Orders in Council applying Acts of Parliament to the Air Force.
(6) Sections 90(A) of the Naval Discipline Act and 184(A) of the Army Act and Regulations made pursuant to those sections and Section 184(A) of the Air Force Act.
(7) Army (Suspension of Sentences) Acts 1915 and 1916.

2. Pending the preparation and publication of a complete Manual of Air Force Law, reference should be made to the Manual of Military Law. The notes in that Manual to the corresponding sections of the Army Act and Rules of Procedure should be applied with the necessary adaptations to the sections of the Air Force Act and Rules thereunder.

When the Manual of Military Law contains references to King's Regulations or to Articles of the Pay Warrant for the Army, these must be read as applying to the corresponding Regulations for the Pay and Allowances of the Air Force.

Chapters I to VIII, X, and XII to XIV of the Manual of Military Law should be studied and applied with necessary adaptations to Air-Force Law.

3. It is considered that the Illustrations of Charges on pages 660–676 of the Manual of Military Law will afford a sufficient guide for framing charges under those Sections of the Air Force Act, corresponding to similar charges under the Army Act.

4. The following further illustrations are added to assist in framing charges in respect of offences special to Air Force Law under Sections 4, 5, 6 and 39(A) of the Air Force Act.

These do not form part of the Rules of Procedure which only contain general illustrations of the statement of offences in Appendix I.

FURTHER ILLUSTRATIONS OF CHARGES.

No. 1.

Sec. 4 (8). *Shamefully causing the capture by the enemy of Aircraft belonging to His Majesty,*
in that he, at , on , when flying aeroplane No. , type , over territory in enemy occupation voluntarily descended and landed in the said territory, without due occasion, and thereby caused the capture by the enemy of the said aeroplane.

No. 2.

Sec. 4 (9). *Treacherously giving a false air signal,*
in that he, at , on , when under orders to signal from aeroplane No , type , to the Officer Commanding th Battery, Royal Field Artillery, the results of the fire of the guns of the said Battery, treacherously signalled direct hits on farm (a place in enemy occupation) when in fact the said guns had not obtained or any direct hits on the said farm.

No. 3.

Treacherously giving a false air signal, Sec. 4 (9).
in that he, at , on , treacherously showed a flare by night, thereby indicating that the said place was a suitable landing place for aircraft when in fact, as he well knew, the said place was unsuitable for the landing of aircraft.

No. 4.

When ordered by his superior officer to carry out a warlike operation in the air, shamefully failing to use his utmost exertions to carry such orders into effect, Sec. 4 (10).
in that he, at , on , when ordered by Lieutenant-Colonel to patrol within an area from to , between the hours of and shamefully failed to use his utmost exertions to patrol as ordered, and did not in fact patrol within the said area during the said period.

No. 5.

When on active service negligently causing the destruction by the enemy of aircraft belonging to His Majesty, Sec. 5 (7).
in that he, at , on , failed properly to secure the throttle control of aeroplane No. , type , of Squadron , as it was his duty to do, thereby causing a failure of the engine by reason of which the pilot was forced to descend within the shelled area near , and the said aeroplane was destroyed by enemy gunfire.

No. 6.

Without due authority interfering with an air signal, Sec. 6 (1) (l).
in that he, at , on the night of , without due authority, extinguished a flare which had been placed there by order of Captain , Squadron, as a signal to aircraft.

No. 7.

Wilfully damaging aircraft material, Sec. 39 (A) (a).
in that he, at , on , wilfully split with an axe two aeroplane propellor blades, Nos. , type , thereby causing damage to the value of £ .

No. 8.

Neglect likely to cause damage to aircraft material, Sec. 39 (A) (b).
in that he, at , on , negligently failed to secure the guy ropes of Bessoneau hangar No. , on charge of No. Squadron, as it was his duty to do, thereby exposing the said hangar to damage by wind.

No. 9.

By neglect causing damage to public property by fire, Sec. 39 (A) (c)
in that he, at , on , negligently threw away a lighted match in Bessoneau hangar No. , thereby causing aeroplane No. , type , the property of the public, to be damaged by fire to the amount of £ .

No. 10.

Without lawful authority disposing of aircraft belonging to His Majesty, Sec. 39 (A) (d)
in that he, at , on , without lawful authority, sold to , a civilian, aeroplane No. , type , value £ .

No. 11.

Negligently causing danger in flying to the life of an officer of the air force, Sec. 39 (A) (e).
in that he, at , on , when rigger in charge of aeroplane No. , type , negligently failed properly to secure the aileron control of the said aeroplane, and thereby endangered the life of Lieutenant , the pilot of the said aeroplane.

No. 12.

During a state of war negligently causing the sequestration by or under the authority of a neutral state of aircraft belonging to His Majesty, Sec. 39 (A) (f).
in that he, at , on , during a state of war between His Majesty and the German Empire, when flying aeroplane No. , type , negligently descended at in Holland, thereby causing the sequestration of the said aeroplane by or under the authority of the Dutch Government.

CONSTITUTION OF COURTS-MARTIAL.

5. The attention of convening officers and officers detailed to sit on courts martial is particularly directed to those provisions of the Air Force Act and Rules of Procedure thereunder, which deal with the constitution of courts-martial. Unless these are strictly observed the whole proceedings may be invalidated. Such officers should therefore study with special care the following sections of the Air Force Act and Rules of Procedure :—

Air Force Act, Sections 48, 49 and 50 and 179A.
Rules of Procedure 17, 18, 19, 20, 21, 22 and 106.

Presidents of courts-martial should also take great care to see that the court is constituted as detailed in the convening order.

Wherever the Act or Rules of Procedure require an expression of opinion of the convening officer to be stated in the order, failure to state such opinion may invalidate the proceedings. See Air Force Act, Section 48 (9) and (10) and Rules of Procedure 20 and 21 (*a*).

In determining the periods of commissioned service qualifying officers to sit on courts-martial, the periods during which they have held commissions in the naval or military forces may be counted.

Officers of the naval or military forces attached lent to or seconded for service with the regular Air Force who hold temporary commissions in the Air Force, will be qualified as officers to serve as presidents or members of courts-martial convened under the Air Force Act, provided that they are of sufficient rank and have held commissions for the requisite period.

OFFICERS AND MEN OF THE NAVAL OR MILITARY FORCES ATTACHED OR LENT TO OR SECONDED FOR SERVICE WITH THE REGULAR AIR FORCE.

6. Such officers and men are subject to the Air Force Act under Sections 175 (1*a*) and 176 (1*a*) subject to the exceptions stated in these sections and with the modifications stated in Section 179A of the Air Force Act. Officers and men of the naval forces attached or lent to or seconded for service with the air force will not be subject to the Air Force Act when subject to the Naval Discipline Act.

With this exception men of the naval or military forces attached or lent to or seconded for service with the air force will be liable to be dealt with and punished by their commanding officers, and to be tried by district courts-martial, and officers and men so attached, lent or seconded may be tried by field general courts-martial in the same way as officers and men of the regular air force.

In the case of general courts-martial the courts must be convened, and the findings and sentences confirmed as provided in Section 179A of the Air Force Act.

OFFICERS AND AIRMEN OF THE AIR FORCE DURING THE TIME THEY ARE BORNE ON THE BOOKS OF ANY OF HIS MAJESTY'S SHIPS IN COMMISSION.

6A. Such officers and airmen will be subject to the Naval Discipline Act and will only be subject to the Air Force Act to the extent and in the events mentioned in Section 179 of the Air Force Act. This will apply to officers and men of the R.N.A.S. transferred to the Air Force whose names are temporarily retained on the books of His Majesty's ships in commission.

RELATIONS OF BODIES OF THE AIR FORCE TO BODIES OF THE NAVAL OR MILITARY FORCES.

7. Attention is called to Section 184A of the Air Force Act, and the corresponding Sections 90A of the Naval Discipline Act and 184A of the Army Act, which are printed in Part IV of this manual, as well as to regulations made by the Admiralty, the Army Council and the Air Council thereunder, which are also printed in Part IV.

Under these regulations orders will from time to time be made applying the sections above mentioned where bodies of the Air Force are co-operating with bodies of the navy or army either abroad or at home. General regulations have already been made in relation to police and detention barracks which will apply in all parts of the world.

Bodies of the naval and military police will assist the air force in enforcing discipline, and it is to be noted that under Section 45 (2) of the Air Force Act air force custody includes naval and military custody.

An officer, warrant officer or non-commissioned officer of the naval or military police will, in relation to bodies of the Air Force for the purpose of command and discipline, and for the purposes of the provisions of the Air Force Act relating to superior officers be treated and have all such powers (other than powers of punishment) as if he were an air force officer, warrant officer or non-commissioned officer. Officers, warrant officers or non-commissioned officers of the air force police will stand in a similar position in relation to bodies of the naval and military forces.

As there are not at present any special detention barracks for the reception of airmen, they will be committed to and undergo their sentences in the detention barracks set apart for the purpose by the Secretary of State for War. The commandants, officers and staff of such detention barracks who are officers, warrant officers or non-commissioned officers of the military forces will also stand in the relation of superior officers to the airmen undergoing sentence in such detention barracks. Such airmen may be awarded any minor punishments provided for by the rules for detention barracks. In case they commit offences of a grave character they will be returned to their units for trial by courts-martial, constituted under the Air Force Act.

SUSPENSION OF SENTENCES.

8. The Army (Suspension of Sentences) Acts, 1915 and 1916, which are printed in Part V of this manual have been applied by Order in Council to the Air Force, with necessary adaptations printed on pages 203—206 (Part IV).

These Acts have had the most beneficent operation in the case of soldiers employed on active service beyond the seas, and the attention of all general or other officers of the Air Force concerned is accordingly directed to their provisions.

PART I.

AIR FORCE (CONSTITUTION) ACT, 1917.

[7 & 8 GEO. 5. CH. 51.]

ARRANGEMENT OF SECTIONS. A D 1917

PART I.

ESTABLISHMENT OF AIR FORCE.

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AIR FORCE (CONSTITUTION) ACT, 1917.

[7 & 8 Geo. 5.]

CHAPTER 51.

A.D. 1917. *An Act to make provision for the establishment, administration, and discipline of a Air Force, the establishment of an Air Council, and for purposes connected there with.*

[29th November 1917.

Be it enacted by the King's most Excellent Majesty, by and with the advice an consent of the Lords Spiritual and Temporal, and Commons, in this preser Parliament assembled, and by the authority of the same, as follows:—

Part I.

Establishment of Air Force.

Raising and number of Air Force.

1. It shall be lawful for His Majesty to raise and maintain a force, to l called the Air Force, consisting of such number of officers, warrant officers, no commissioned officers, and men as may from time to time be provided b Parliament.

Government, discipline, and pay of Air Force.

2.—(1) Subject to the provisions of this Act it shall be lawful for His Majest by order signified under the hand of a Secretary of State, to make orders wi respect to the government, discipline, pay, allowances, and pensions of the A Force, and with respect to all other matters and things relating to the Air Forc including any matter by this Act authorised to be prescribed or expressed to b subject to orders or regulations.

(2) The said orders may provide for the formation of men of the Air For into separate units, and for the formation of such units into corps, and for appoin ing, transferring, or attaching men of the air force to units, and for postin attaching, and otherwise dealing with such men within the units, and ma regulate the appointment, rank, duties, and numbers of the officers and no commissioned officers of the Air Force.

(3) Subject to the provisions of any such order, the Air Council hereinaft constituted may make general or special regulations with respect to any matt with respect to which His Majesty may make orders under this section:

6 & 7 Geo. 5. c. 65.

Provided that the administration of pensions, other than service pensio within the meaning of the Ministry of Pensions Act, 1916, shall vest in t Minister of Pensions.

(4) All orders and general regulations made under this section shall be la before Parliament as soon as may be after they are made.

Transfer and attaching to Air Force of members of Naval and Military Forces.

3.—(1) Any officer, warrant officer, petty officer, non-commissioned offic or man of any of His Majesty's naval or military forces may, with his consent a subject to the approval of the Admiralty or Army Council (as the case may b be transferred by the Air Council to the Air Force, or attached by the Air Coun

to the Air Force for the period of the present war or for a period not exceeding four years:

Provided that—

(*a*) any officer, warrant officer, petty officer, non-commissioned officer, or man who at such date as may be fixed by Order in Council belongs or is attached to the Royal Naval Air Service, the Royal Flying Corps or any unit of the naval or military forces engaged in defence against aircraft which is designated by the Admiralty or Army Council for the purpose, may be so transferred or attached without his consent, but if any person so transferred or attached, within three months from the time when he receives notice of such transfer or attachment or such longer period as in any particular case the Air Council may allow, gives notice to his commanding officer that he does not desire to be so transferred or attached, the transfer or attachment shall be annulled without prejudice to the validity of anything which may have been done in the meanwhile; and

(*b*) no person transferred to the Air Force under the provisions of this section shall be liable to serve with the Air Force for any longer period than that for which he would have been liable to serve had he continued in the force from which he was transferred.

(2) Regulations made by the Air Council may provide that in the case of a person so transferred, the time during which he held a commission or served in the force from which he is transferred shall, for such purposes as may be prescribed, be aggregated with the time during which he holds a commission or serves in the Air Force, and that his entry into or enlistment in the force from which he is transferred shall, for such purposes as may be prescribed, be treated as enlistment into the Air Force.

(3) Where any person is transferred to the Air Force under this section, then for the purposes of pay, pensions, gratuity, and retired or half-pay, and of any decoration or reward dependent on length of service, any previous service with His Majesty's naval or military forces which would have counted as service towards pay, pension, gratuity, retired or half-pay, or such decoration or reward if he had not been so transferred, shall be deemed to be service with the Air Force towards pay, pension, gratuity, retired or half-pay, or such decoration or reward. A.D. 1917.

(4) Where any person is attached to the Air Force under this section, the fact that he is so attached shall not affect any right to any pay, pension, gratuity, retired or half-pay, or such decoration or reward as aforesaid, already earned by him in that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached, and the period during which he is so attached shall, for the purpose of any provisions relating to pay, pensions, gratuity, retired or half-pay, or such decoration or reward, be deemed to be service with that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached.

Rights of officers.

4. Officers in the Air Force shall enjoy all such powers, rights, immunities, and privileges as are enjoyed by commissioned officers of His Majesty's Navy or Army as such, whether conferred by statute or otherwise, and the acceptance of a commission in the Air Force shall not render a person accepting such a commission incapable of being elected to or sitting or voting in the Commons House of Parliament, and nothing in the Succession to the Crown Act, 1707, or any similar enactment shall extend to any member of the Commons House of Parliament who, being an officer of the Air Force, receives any new or other commission in the Air Force, or receives a commission in His Majesty's Navy or Army, or who, being an officer in His Majesty's Navy or Army, receives a commission in the Air Force. 6 Anne, c. 41.

Application of Military Service Acts, &c.

5 & 6 Geo. 5. c. 104.
6 & 7 Geo. 5. c. 15.
7 & 8 Geo. 5 cc. 12 & 26.

5.—(1) Any men who, by virtue of the Military Service Acts, 1916 and 1917, are deemed to have been enlisted in His Majesty's regular forces and to have been transferred to the reserve, or who having voluntarily enlisted in the regular forces have been so transferred, shall on being called up for service be liable to be transferred to the Air Force.

(2) There shall be included amongst the exceptions mentioned in the First Schedule to the Military Service Act, 1916, the following:—

Men serving in the Air Force.

Air Force Reserve and Auxiliary Force.

6.—(1) It shall be lawful for His Majesty to raise and maintain an Air Force Reserve and an Auxiliary Air Force consisting in each case of such number of officers, warrant officers, non-commissioned officers, and men as may from time to time be provided by Parliament, and to provide for the transfer or attachment to the Auxiliary Air Force, subject to their consent, of officers and men of any unit of the territorial force which at the passing of this Act forms part of the Royal Flying Corps.

(2) His Majesty may, by Order in Council, apply with the necessary adaptations to the Air Force Reserve, or to the Auxiliary Air Force, or to the officers or men of any such force, any enactment relating to the Army Reserve or to the Territorial Force or to the officers or men of those forces, and such Order in Council shall be laid before both Houses of Parliament.

Consequential amendments of Naval Discipline Act and Army Act.

7 & 8 Geo. 5. c. 34.

7. The amendments set out in the second column of the tables in Part I and Part II of the First Schedule to this Act (being amendments consequential on the establishment of an air force) shall be made in or inserted after the provisions of the Naval Discipline Act and the Army Act respectively mentioned in the first column of those tables, and section two of the Naval Discipline Act, 1917 (which relates to the printing and construction of the Naval Discipline Act), shall apply to the amendments of the Naval Discipline Act made by this Act in like manner as it applies to the amendments thereof made by that Act.

Part II.

Establishment of Air Council.

Establishment of Air Council.

8.—(1) For the purpose of the administration of matters relating to the Air Force and to the defence of the realm by air there shall be established an Air Council consisting of one of His Majesty's Principal Secretaries of State, who shall be President of the Air Council, and of other members, who shall be appointed in such manner and subject to such provisions as His Majesty may, by Order in Council, direct.

(2) His Majesty may, by Order in Council, fix the date as on which the Air Council is to be established, and make provision with respect to the proceedings of the Air Council and the manner in which the business of the Council is to be distributed among the members thereof.

6 & 7 Geo. 5. c. 68.

(3) On the establishment of the Air Council, the Air Board constituted under the New Ministries and Secretaries Act, 1916, shall cease to exist, and all the powers, duties, rights, liabilities, and property of that Board shall be transferred to the Air Council, but nothing in this subsection shall affect any orders, instructions, or other instruments issued by the Air Board, and all such instruments shall have effect as if issued by the Air Council.

(4) His Majesty may, by Order in Council, transfer from the Admiralty, or from the Army Council or the Secretary of State for the War Department, to the Air Council or the President of the Air Council such property, rights, and liabilities of the Admiralty or Army Council or Secretary of State as may be agreed between the Air Council and the Admiralty or the Army Council, as the case may be.

Staff, remuneration, and expenses.

9.—(1) The Air Council may appoint such secretaries, officers, and servants as the Council may, with the sanction of the Treasury, determine.

(2) There shall be paid, out of moneys provided by Parliament, to the members of the Air Council, and to the secretaries, officers, and servants of the Council, such salaries or remuneration as the Treasury may determine.

Style, seal, and proceedings of Air Council.

10.—(1) The Air Council may sue and be sued, and may for all purposes be described, by that name.

(2) The Air Council shall have an official seal, which shall be officially and judicially noticed, and that seal shall be authenticated by the signature of the President, or of a secretary, or of some person authorised by the Council to act on behalf of a secretary.

(3) Every document purporting to be an instrument issued by the Air Council, and to be sealed with the seal of the Council, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the Council to act on behalf of a secretary, shall be received in evidence, and be deemed to be such an instrument without further proof, unless the contrary is shown.

(4) A certificate signed by the President of the Air Council that any instrument purporting to be made or issued by the Council was so made or issued shall be conclusive evidence of the fact.

(5) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Air Council as if that Council were mentioned in the first column of the schedule to the first-mentioned Act, and as if the President, or a secretary of the Council, or any person authorised by the President to act on behalf of the Council, was mentioned in the second column of that schedule.

31 & 32 Vict. c. 37. 45 & 46 Vict. c. 9.

Provisions as to sitting in Parliament.

11. The number of Principal Secretaries of State and Under Secretaries capable of sitting and voting in the Commons House of Parliament shall be increased to five, and accordingly section four of the Government of India Act, 1858, and section one of the House of Commons (Vacation of Seats) Act, 1864, shall have effect as if the word "five" was substituted for the word "four" wherever that word occurs in those sections:

21 & 22 Vict. c. 106. 27 & 28 Vict. c. 34.

Provided that nothing in this provision shall affect the operation of section nine of the New Ministries and Secretaries Act, 1916, so long as that section continues in force.

Part III.

Discipline, &c.

Application of Army Act to Air Force.

12.—(1) The Army Act as in force immediately before the passing of this Act shall, subject to the modifications set out in the Second Schedule* to this Act (being amendments required to adapt that Act to the circumstances of the Air Force), apply with respect to the Air Force, and shall, as so modified, take effect as a separate Act of the present session of Parliament, and may be printed as a separate Act by the printers to His Majesty and intituled "An Act to provide for the Discipline and Regulation of the Air Force," and that Act may, subject to any modifications which may from time to time be made therein, be cited as the Air Force Act:

Provided that, for the purposes of section eighty-eight of the Air Force Act (relating to the continuance of men in air force Service in case of emergency), the proclamation issued under section eighty-eight of the Army Act on the outbreak of the present war shall have effect as if it had been issued under the first-mentioned, as well as the last-mentioned, section, and had applied to the Air Force as well as to the Army.

* Not reproduced in this Manual. The modifications set out in the Schedule are incorporated in the Air Force Act as printed on pp. 11–71 of this Manual.

(2) The Air Force Act shall continue in force only as long as the Army Act continues in force, and during the present war the number of the forces mentioned in the preamble to the Army (Annual) Act shall include the number of the Air Force.

(3) Where, by any enactment passed after the passing of this Act, any amendments are made in the Army Act the corresponding amendments shall be made in the Air Force Act, subject to such modifications and exceptions as His Majesty in Council may declare to be necessary for adapting the same to the Air Force.

(4) Where, by any enactment passed after the passing of this Act and for the time being in force, any enactments or words are directed to be substituted in the Army Act or the Air Force Act for any other enactments or words, or to be added to or omitted from the Army Act or the Air Force Act, then all copies of the Air Force Act printed after such direction takes effect shall be printed with the said enactments or words added to the said Act or omitted therefrom, or inserted therein in lieu of any enactments or words for which the same are to be substituted, according as such direction requires, and with the sections and subsections numbered in accordance with such direction, but, as respects amendments to the Army Act, subject to such modifications and exceptions as aforesaid, and the Air Force Act shall be construed as if it had at the time at which such direction takes effect been enacted with such addition, omission, or substitution.

(5) A reference in any enactment passed after the passing of this Act to the Air Force Act shall, unless the context otherwise requires, be construed to refer to the Air Force Act as amended by any enactment for the time being in force.

Application of other Acts. A.D. 1917.

13. His Majesty may, by Order in Council, apply, with the necessary modifications and adaptations, in relation to the Air Council, the President of the Air Council, and the Air Force, and the officers and men thereof, and Air Force property or institutions, any of the enactments relating to the Army Council, the Secretary of State for the War Department, the Army, or the officers and soldiers thereof (including enactments conferring any powers, rights, exemption or abatement from taxation or immunities, or imposing any duties or disabilities on such officers or soldiers), or to military property or institutions, and every such Order in Council shall be laid before both Houses of Parliament.

Part IV.

General.

Power to alter and revoke orders.

14. Orders in Council, orders, and regulations made under this Act may be varied and revoked by subsequent Orders in Council, orders, and regulations made in like manner.

Short title.

15. This Act may be cited as the Air Force (Constitution) Act, 1917.

SCHEDULES.

FIRST SCHEDULE. Section 7.

PART I.

AMENDMENTS OF THE NAVAL DISCIPLINE ACT.

TABLE.

Section of Act.	Amendments.
21	For "military or naval forces" there shall be substituted "naval, military, or air forces." For "military forces" there shall be substituted "military or air forces." After "Secretary of War" there shall be inserted "or the Air Council, as the case may be." After "regiment" there shall be inserted "or unit."
29	After "His Majesty's service" there shall be inserted "or lose or suffer to be lost any aircraft of His Majesty or in His Majesty's service."
53	After "naval" there shall be inserted "air force."
66	After "military" there shall be inserted "or belonging to the air force," and for "belong to His Majesty's Navy" there shall be substituted "who is subject to this Act."
87	After "hereby" there shall be inserted "or by any other Act."
88	For "land forces" there shall be substituted "land and air forces."
90A ...	After subsection (1) the following subsection shall be inserted:— "(1A) Where an officer, or non-commissioned officer not below the rank of sergeant, is a member of a body of His Majesty's Air Force acting with any body of His Majesty's naval forces under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, and such officer or non-commissioned officer is not borne on the books of any of His Majesty's ships in commission, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's naval forces as aforesaid, be treated, and may exercise all such powers (other than powers of punishment), as if he were a naval officer, or petty officer, as the case may be." In subsection (2) for "so prescribed as aforesaid" there shall be substituted "prescribed by regulations made by the Admiralty and Army Council." After subsection (2) the following subsection shall be substituted:— "(2A) Where any naval officer or seaman is a member of a body of His Majesty's naval forces acting with any body of His Majesty's Air Force under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers, and non-commissioned officers not below the rank of sergeant, of such body of the air force shall, in relation to him, be treated, and may exercise all such powers (other than powers of punishment), as if they were naval officers and petty officers." In subsection (3) "and air-force" shall be inserted after "naval and military."

Part II.

Amendments of the Army Act.

Table.

A.D. 1917.	Section of Act.	Amendments.
	6 (1) (*d*) ...	"Soldier when acting as" shall be omitted.
	7	For "any forces belonging to His Majesty's regular, reserve, or auxiliary forces or navy" and for "His Majesty's regular, reserve, or auxiliary forces or navy" (wherever those words occur) there shall be substituted "any of His Majesty's military, naval, or air forces."
	13 (1) (*b*) ...	After "reserve forces" there shall be inserted "or in the air force."
	24 (3) ...	For "military decoration" there shall be substituted "military or air-force decoration."
	27 (3) ...	"Navy or air force" shall be substituted for "navy" wherever it occurs.
	31	In subsections (1), (7), and (8) "aircraft" shall be omitted wherever it occurs, and in subsections (4) and (5) for "vessel or aircraft" there shall be substituted "or vessel."
	32	"Military or air" shall be inserted after "His Majesty's" wherever those words occur.
	115 ...	In subsection (1) "and also of aircraft of every description" shall be omitted; in subsections (3), (6), (7), and (9) "aircraft" shall be omitted wherever it occurs; and in subsection (6) for "vessels and" there shall be substituted "and vessels."
	116 ...	"Aircraft" shall be omitted.
	119 ...	For "vessel or aircraft" there shall be substituted "or vessel."
	121 ...	"Aircraft" shall be omitted wherever it occurs.
	142 ...	After "naval" there shall be inserted "air force."
	152 ...	After "naval" there shall be inserted "air force."
	156 (1) ...	For "military decorations" there shall be substituted "military or air-force decorations."
	163 (1) (*b*)	After "Admiralty" "or of the Air Council" shall be inserted.
	175 ...	After subsection (1) the following subsection shall be inserted:— "(1A) Any officer of His Majesty's Air Force who is attached to, or seconded for service with, the regular forces, subject, however, to the modifications contained in this Act."
	176 ...	After subsection (1) the following subsection shall be inserted:— "(1A) All airmen of the Air Force who are attached to the regular forces subject, however, to the modifications contained in this Act."
	179 ...	After the section the following section shall be inserted:— "179A. Where an officer or airman of the air force is attached to, or seconded for service with, the regular forces, this Act shall apply to him, subject to the following modifications:— (*a*) a general court-martial for the trial of any such officer or airman shall not be convened except by His Majesty or by an officer authorised to convene general courts-martial under the Air Force Act (who shall have power to convene such a court-martial for the purpose of this section), except that when such officer or airman while subject to this Act is serving beyond the seas with a body of the regular forces, and it is the opinion of the general or other officer commanding that body (such opinion to be stated in the order convening the court and to be conclusive) there is not present any officer authorised under the Air Force Act to convene a general court-martial, a general court-martial convened by such general or other officer, if authorised to convene general court-martial under this Act, may try such officer or airman; (*b*) a district court-martial for the trial of any such airman may be convened by any officer having authority to convene a district court-martial for the trial of a soldier of the regular forces; (*c*) Without prejudice to any power of confirmation the findings and sentence of any general court-martial on any such officer or airman may be confirmed by His Majesty or by an officer authorised under this section to convene the same; (*d*) Anything required or authorised by this Act to be done by, to, or before the Army Council or Judge Advocate-General may as regards any such officer or airman be done by, to, or before the Air Council; and the provisions of this Act shall be construed, so far as respects any such officer or airman, as if "the Air Council" were substituted for "the Army Council" and "Judge Advocate-General" wherever those words occur;

PART II.—*continued.*

AMENDMENTS OF THE ARMY ACT—*continued.*

TABLE—*continued.*

Section of Act.	Amendments
179 *cont.*	(*e*) Anything required or authorised by this Act to be done by, to, or before the Commander-in-Chief of the forces in India, or the general or other officer commanding the forces in any colony or elsewhere, may as regards any such officer or airman be done by, to, or before such officer as the Air Council may appoint in that behalf, and, if no such appointment is made, by such Commander-in-Chief or general or other officer; (*f*) if any such officer or airman commits an offence for which he is not amenable under this Act, but for which he can be punished under the Air Force Act, he may be tried and punished for such offence under that Act."
184A ...	The following subsection shall be inserted after subsection (1):— "(1A) Where an officer or non-commissioned officer of the Air Force is a member of a body of His Majesty's Air Force acting with any body of His Majesty's military forces under such conditions as may be prescribed by regulations made by the Army Council and the Air Council, then, for the purposes of command and discipline, and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's military forces as aforesaid, be treated, and have all such powers (other than powers of punishment), as if he were a military officer or non-commissioned officer, as the case may be; Provided that under regulations made by the Army Council and Air Council the officers and airmen of a body of the Air Force acting with any body of His Majesty's military forces on active service, or any of such officers or airmen, may, in such manner and in such circumstances, and subject to such conditions as may be provided by or under those regulations, be made subject to military law, and in such case they shall be subject thereto in like manner as if they were officers and airmen attached to the Army." In subsection (2) for "so prescribed as aforesaid" there shall be substituted "prescribed by regulations made by the Army Council and the Admiralty." After subsection (2) the following subsection shall be inserted:— "(2A) Where any officer or soldier is a member of His Majesty's military forces acting with any body of His Majesty's Air Force under such conditions as may be prescribed by regulations made by the Army Council and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and non-commissioned officers of such body of the Air Force shall, in relation to him, be treated, and have all such powers (other than powers of punishment), as if they were military officers or non-commissioned officers." In subsection (3) "and air-force" shall be inserted after "naval and military."
190 ...	In subsection (18) "military" shall be omitted. After subsection (40) the following subsection shall be inserted:— "(41) 'Airman' has the same meaning as in the Air Force Act."

AIR FORCE ACT.

"AN ACT to provide for the DISCIPLINE and REGULATION of the AIR FORCE."

Being the Army Act modified in accordance with the provisions of the Air Force (Constitution) Act, 1917.

ARRANGEMENT OF SECTIONS.

NOTE.

The numbering of Sections and Subsections of this Act follows that of the corresponding Sections of the Army Act. For this reason, the numbering is in some instances not consecutive.

Preliminary.

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SCHEDULES.

AIR FORCE ACT.

An Act to provide for the Discipline and Regulation of the Air Force.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

Preliminary.

Short title of Act.

1. This Act may be cited for all purposes as the Air Force Act.

Division of Act.

3. This Act is divided into five parts, relating to the following subject matters ; that is to say,

Part I.—Discipline ;
Part II.—Enlistment ;
Part III.—Billeting and impressment of carriages ;
Part IV.—General Provisions ;
Part V.—Application of this Act, saving provisions, and definitions.

PART I.

DISCIPLINE.

CRIMES AND PUNISHMENTS.

Offences in respect of Air-Force Service.

Offences in respect of Air Force Service.

4. Every person subject to this Act who commits any of the following offences that is to say,

Offences in relation to the enemy punishable with death.

(1) Shamefully abandons or delivers up any garrison, place, post, or guard, or uses any means to compel or induce any governor, commanding officer, or other person shamefully to abandon or deliver up any garrison, place, post, or guard, which it was the duty of such governor, officer, or person to defend ; or

(2) Shamefully casts away his arms, ammunition, or tools in the presence of the enemy ; or

(3) Treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy ; or

(4) Assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner ; or

(5) Having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy ; or

(6) Knowingly does when on active service any act calculated to imperil the success of His Majesty's forces or any part thereof ; or

(7) Misbehaves or induces others to misbehave before the enemy in such manner as to show cowardice ; or

(8) Treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft ; or

(9) Treacherously gives any false air signal or alters or interferes with any air signal ; or

(10) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air treacherously or shamefully fail to use his utmost exertions to carry such orders into effect ;

shall, on conviction by court-martial, be liable to suffer death, or such less punishment as is in this Act mentioned.

5. Every person subject to this Act who on active service commits any of the following offences; that is to say, Offences in relation to the enemy not punishable with death.

(1) Without orders from his superior officer leaves the ranks in order to secure prisoners or horses, or on pretence of taking wounded men to the rear; or

(2) Without orders from his superior officer wilfully destroys or damages any property; or

(3) Is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner fails to rejoin His Majesty s service when able to rejoin the same; or

(4) Without due authority either holds correspondence with, or gives intelligence to, or sends a flag of truce to the enemy; or

(5) By word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency; or

(6) In action, or previously to going into action, uses words calculated to create alarm or despondency; or

(7) Negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft; or

(8) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air negligently or through other default fails to use his utmost exertions to carry the order into effect;

shall, on conviction by court-martial, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned.

6.—(1) Every person subject to this Act who commits any of the following offences; that is to say, Offences punishable more severely on active service than at other times.

(*b*) Without orders from his superior officer, leaves his guard, piquet, patrol, or post; or

(*c*) Forces a safeguard; or

(*d*) Forces or strikes a sentinel; or

(*e*) Impedes the provost marshal or any assistant provost marshal or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost marshal, or, when called on, refuses to assist in the execution of his duty the provost marshal, assistant provost marshal, or any such officer, non-commissioned officer, or other person; or

(*f*) Does violence to any person bringing provisions or supplies to the forces; or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving; or

(*g*) Breaks into any house or other place in search of plunder; or

(*h*) By discharging firearms, making signals, using words, or by any means whatever, intentionally occasions false alarms; or

(*i*) Treacherously makes known the parole, watchword, or countersign to any person not entitled to receive it; or treacherously gives a parole, watchword, or countersign different from what he received; or

(*j*) Irregularly detains or appropriates to his own corps, unit, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect; or

(*k*) Being an airman acting as sentinel, commits any of the following offences that is to say, Misbehaviour of sentinel.

(i) sleeps or is drunk on his post; or

(ii) leaves his post before he is regularly relieved; or

(*l*) Without due authority alters or interferes with any air signal.

shall, on conviction, by court-martial,

if he commits any such offence on active sevrice, be liable to suffer death, or such less punishment as is in this Act mentioned; and

if he commits any such offence not on active service be liable, if an offic to be cashiered, or to suffer such less punishment as is in this mentioned, and if an airman to suffer imprisonment, or such punishment as is in this Act mentioned.

(2) Every person subject to this Act who commits any of the follow offences; that is to say,

(*a*) By discharging firearms, making signals, using words, or by any me whatever, negligently occasions false alarms; or

(*b*) Makes known the parole, watchword, or countersign to any person entitled to receive it; or, without good and sufficient cause, give parole, watchword, or countersign different from what he received,

shall, on conviction, by court-martial, be liable, if an officer, to be cashie or to suffer such less punishment as is in this Act mentioned, and if an airm to suffer imprisonment, or such less punishment as is in this Act mentioned.

Mutiny and Insubordination.

Mutiny and Insubordination.

Mutiny and sedition.

7. Every person subject to this Act who commits any of the follow offences; that is to say,

(1) Causes or conspires with any other persons to cause any mutiny sedition in any of His Majesty's naval, military, or air forces; or

(2) Endeavours to seduce any person in any of His Majesty's naval, milita or air forces, from allegiance to His Majesty, or to persuade any per in any of His Majesty's naval, military, or air forces, to join in a mutiny or sedition; or

(3) Joins in, or being present does not use his utmost endeavours to suppr any mutiny or sedition in any of His Majesty's naval, military, or forces; or

(4) Coming to the knowledge of any actual or intended mutiny or sedit in any of His Majesty's naval, military, or air forces, does not with delay inform his commanding officer of the same,

shall, on conviction by court-martial, be liable to suffer death, or such punishment as is in this Act mentioned.

Striking or threatening superior officer.

8.—(1) Every person subject to this Act who commits any of the followi offences; that is to say,

Strikes or uses or offers any violence to his superior officer, being in t execution of his office,

shall, on conviction by court-martial, be liable to suffer death, or such l punishment as is in this Act mentioned; and

(2) Every person subject to this Act who commits any of the followi offences; that is to say,

Strikes or uses or offers any violence to his superior officer, or uses threatenin or insubordinate language to his superior officer,

shall, on conviction by court-martial, if he commits such offence on acti service, be liable to suffer penal servitude, or such less punishment as is in th Act mentioned; and

if he commits such offence not on active service, be liable, if an offic to be cashiered, or to suffer such less punishment as is in this Act mentione and if an airman, to suffer imprisonment, or such less punishment as is in th Act mentioned.

Dis-obedience to superior officer.

9.—(1) Every person subject to this Act who commits the following offence; that is to say,

Disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise,

hall, on conviction by court-martial, be liable to suffer death, or such less unishment as is in this Act mentioned; and

(2) Every person subject to this Act who commits the following offence; hat is to say,

Disobeys any lawful command given by his superior officer, shall, on conviction by court-martial, if he commits such offence on active service, be liable o suffer penal servitude, or such less punishment as is in this Act mentioned; and

if he commits such offence not on active service, be liable, if an officer, to e cashiered, or to suffer such less punishment as is in this Act mentioned, and an airman, to suffer imprisonment, or such less punishment as is in this Act nentioned.

Insubordination.

10. Every person subject to this Act who commits any of the following offences; that is to say,

(1) Being concerned in any quarrel, fray, or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or strikes or uses or offers violence to any such officer; or

(2) Strikes or uses or offers violence to any person, whether subject to this Act or not, in whose custody he is placed, and whether he is or is not his superior officer; or

(3) Resists an escort whose duty it is to apprehend him or to have him in charge; or

(4) Being an airman, breaks out of barracks, camp, or quarters;

hall, on conviction by court-martial, be liable, if an officer, to be cashiered, r to suffer such less punishment as is in this Act mentioned, and if an airman, o suffer imprisonment, or such less punishment as is in this Act mentioned.

Neglect to obey garrison or other orders.

11. Every person subject to this Act who commits the following offence; hat is to say,

neglects to obey any general local or other orders,

hall, on conviction by court-martial, be liable, if an officer, to be cashiered, or o suffer such less punishment as is in this Act mentioned, and if an airman, o suffer imprisonment, or such less punishment as is in this Act mentioned.

Provided that the expression "general orders" in this section shall not nclude His Majesty's regulations and orders for the air force or any similar rder in the nature of a regulation published for the general information and uidance of the air force.

Desertion, Fraudulent Enlistment, and Absence without Leave.

Desertion, Fraudulent Enlistment, and Absence without Leave.

12.—(1) Every person subject to this Act who commits any of the following offences; that is to say,

Desertion.

(*a*) Deserts or attempts to desert His Majesty's service; or

(*b*) Persuades, endeavours to persuade, procures or attempts to procure, any person subject to this Act to desert from His Majesty's service,

hall, on conviction by court-martial,

if he committed such offence when on active service or under orders active service, be liable to suffer death, or such less punishment is in this Act mentioned; and

if he committed such offence under any other circumstances, be lia for the first offence to suffer imprisonment, or such less punishm as is in this Act mentioned; and for the second or any subsequ offence to suffer penal servitude, or such less punishment as is in this mentioned.

(2) Where an offender has fraudulently enlisted once or oftener, he m for the purposes of trial for the offence of deserting or attempting to des His Majesty's service, be deemed to belong to any one or more of the corps units to which he has been appointed or transferred as well as to the corps unit to which he properly belongs; and it shall be lawful to charge an offen with any number of offences against this section at the same time, and to g evidence of such offences against him, and if he be convicted thereof to pun him accordingly; and further it shall be lawful on conviction of a person two or more such offences to award him the higher punishment allowed by t section for a second offence as if he had been convicted by a previous cou martial of one of such offences.

(3) For the purposes of the liability under this section to the higher puni ment for a second offence, a previous offence of fraudulent enlistment may reckoned as a previous offence under this section.

Fraudulent enlistment.

13.—(1) Every person subject to this Act who commits any of the follow offences; that is to say,

(*a*) When belonging to the regular air force or to the auxiliary air fo when embodied, without having obtained a regular discharge therefr or otherwise fulfilled the conditions enabling him to enlist or en enlists or enrols himself in the regular air force or in any air force rai in India or a colony; or

(*b*) When belonging to the regular air force without having fulfilled conditions enabling him to enlist, enrol, or enter, enrols himself, enlists in the air force reserve or the auxiliary air force, or any of t military forces, or enters the Royal Navy,

shall be deemed to have been guilty of fraudulent enlistment, and shall, conviction by court-martial, be liable—

(i) for the first offence to suffer imprisonment, or such less punishm as is in this Act mentioned; and

(ii) for the second or any subsequent offence to suffer penal servitude, such less punishment as is in this Act mentioned.

(2) Where an offender has fraudulently enlisted on several occasions he m for the purposes of this section, be deemed to belong to any one or more of t corps or units to which he has been appointed or transferred, as well as to corps or unit to which he properly belongs; and it shall be lawful to charge offender with any number of offences against this section at the same ti and to give evidence of such offences against him, and if he be convicted the to punish him accordingly; and further it shall be lawful on conviction o person for two or more such offences to award him the higher punishm allowed by this section for a second offence as if he had been convicted b previous court-martial of one of such offences.

(3) Where an offender is convicted of the offence of fraudulent enlistm then for the purposes of his liability under this section to the higher punishm for a second offence, the offence of deserting or attempting to desert His Majes service may be reckoned as a previous offence of fraudulent enlistment un this section, with this exception, that the absence of the offender next bef any fraudulent enlistment shall not upon his conviction for that fraudul enlistment be reckoned as a previous offence of deserting or attempting to des

14. Every person subject to this Act who commits any of the following offences; that is to say, Persuasion of or connivance at desertion.

(1) Assists any person subject to this Act to desert His Majesty's service; or

(2) Being cognizant of any desertion or intended desertion of a person subject to this Act, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

15. Every person subject to this Act who commits any of the following offences; that is to say, Absence from duty without leave.

(1) Absents himself without leave; or

(2) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes from thence without leave before he is relieved, or without urgent necessity quits his duty or duties; or

(3) Being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, local, or other order, without a pass or written leave from his commanding officer; or

(4) Being an airman without leave from his commanding officer, or without due cause, absents himself from any school when duly ordered to attend there,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Disgraceful Conduct. *Disgraceful Conduct.*

16. Every officer who, being subject to this Act, commits the following offence; that is to say, Scandalous conduct of officer.

behaves in a scandalous manner, unbecoming the character of an officer and a gentleman,

shall, on conviction by court-martial, be cashiered.

17. Every person subject to this Act who commits any of the following offences; that is to say, Fraud by persons in charge of moneys or goods.

Being charged with or concerned in the care or distribution of any public or service money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods,

shall, on conviction by court-martial, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned.

18. Every airman who commits any of the following offences; that is to say, Disgraceful conduct of airman.

(1) Malingers, or feigns or produces disease or infirmity; or

(2) Wilfully maims or injures himself or any other airman, whether at the instance of such other airman or not, with intent thereby to render himself or such other airman unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service; or

(3) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity, or delays its cure; or

(4) Steals, or embezzles, or receives, knowing them to be stolen or embezz any money or goods the property of a comrade or of an officer, or money or goods belonging to any service mess or band, or to any ser institution, or any public money or goods; or

(5) Is guilty of any other offence of a fraudulent nature not before in Act particularly specified, or of any other disgraceful conduct cruel, indecent or unnatural kind,

shall, on conviction by court-martial, be liable to suffer imprisonment, or s less punishment as is in this Act mentioned.

Drunkenness.

Drunkenness.

19. Every person subject to this Act who commits the following offen that is to say,

The offence of drunkenness, whether on duty or not on duty,

shall, on conviction by court-martial, be liable, if an officer, to be cashier or to suffer such less punishment as is in this Act mentioned, and if an airm to suffer imprisonment, or such less punishment as is in this Act mention and, either in addition to or in substitution for any other punishment, to a fine not exceeding one pound.

Offences in relation to Prisoners.

Offences in relation to Prisoners.

Permitting escape of prisoner.

20. Every person subject to this Act who commits any of the follow offences; that is to say,

(1) When in command of a guard, piquet, patrol, or post, releases witho proper authority, whether wilfully or otherwise, any person committ to his charge; or

(2) Wilfully or without reasonable excuse allows to escape any pers who is committed to his charge, or whom it is his duty to keep or gua

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suf penal servitude, or such less punishment as is in this Act mentioned, and any case to suffer imprisonment or such less punishment as is in this A mentioned.

Irregular imprisonment.

21. Every person subject to this Act who commits any of the followi offences; that is to say,

(1) Unnecessarily detains a person in arrest or confinement without bringi him to trial, or fails to bring his case before the proper authority f investigation; or

(2) Having committed a person to the custody of any officer, non-com missioned officer, provost marshal, or assistant provost marshal, fai without reasonable cause to deliver at the time of such committa or as soon as practicable, and in any case within twenty-four hou thereafter to the officer, non-commissioned officer, provost marsha or assistant provost marshal, into whose custody the person is com mitted, an account in writing signed by himself of the offence with whi the person so committed is charged;

(3) Being in command of a guard, does not as soon as he is relieved fro his guard or duty, or if he is not sooner relieved, within twenty-fo hours after a person is committed to his charge, give in writing t the officer to whom he may be ordered to report that person's nam and offence so far as known to him; and the name and rank of th officer or other person by whom he was charged, accompanied, if h has received the account above in this section mentioned, by tha account,

all, on conviction by court-martial, be liable, if an officer to be cashiered, r to suffer such less punishment as is in this Act mentioned, and if an airman, o suffer imprisonment, or such less punishment as is in this Act mentioned.

Escape from confinement.

22. Every person subject to this Act who commits the following offence; that is to say,

Being in arrest or confinement, or in prison or otherwise in lawful custody, escapes, or attempts to escape,

hall, on conviction by court-martial, be liable, if an officer, to be cashiered, r to suffer such less punishment as is in this Act mentioned, and if an airman, o suffer imprisonment, or such less punishment as is in this Act mentioned.

Offences in relation to Property.

Offences in relation to Property.

23. Every person subject to this Act who commits any of the following offences; that is to say,

Corrupt dealings in respect of supplies to forces.

(1) Connives at the exaction of any exorbitant price for a house or stall let to a sutler; or

(2) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores for the use of any of His Majesty's forces,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

Deficiency in and injury to equipment.

24. Every airman who commits any of the following offences; that is to say,

(1) Makes away with, or is concerned in making away with (whether by pawning, selling, destruction, or otherwise howsoever), his arms, ammunition, equipments, instruments, clothing, service necessaries, or any horse of which he has charge; or

(2) Loses by neglect anything before in this section mentioned; or

(3) Makes away with (whether by pawning, selling, destruction, or otherwise howsoever) any air-force, naval or military decoration granted to him; or

(4) Wilfully injures anything before in this section mentioned, or any property belonging to a comrade, or to an officer, or to any service mess or band, or to any service institution, or any public property; or

(5) Ill-treats any horse used in the public service,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

For the purposes of this section, the expression "equipments" includes any article issued to an airman for his use, or entrusted to his care for air force purposes.

Offences in relation to False Documents and Statements.

Offences in relation to False Documents and Statements.

25. Every person subject to this Act who commits any of the following offences; that is to say,

Falsifying official documents and false declarations.

(1) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy—

(*a*) Knowingly makes or is privy to the making of any false or fraudulent statement; or

(*b*) Knowingly makes or is privy to the making of any omission with intent to defraud; or

(2) Knowingly and with intent to injure any person, or knowingly with intent to defraud, suppresses, defaces, alters, or makes a with any document which it is his duty to preserve or produce; o

(3) Where it is his official duty to make a declaration respecting any mat knowingly makes a false declaration,

shall, on conviction by court-martial, be liable to suffer imprisonment or s less punishment as is in this Act mentioned.

Neglect to report, and signing in blank.

26. Every person subject to this Act who commits any of the follow offences; that is to say,

(1) When signing any document relating to pay, arms, ammunition, eq ments, clothing, service necessaries, provisions, furniture, bedd blankets, sheets, utensils, forage, or stores, leaves in blank any mate part for which his signature is a voucher; or

(2) Refuses or by culpable neglect omits to make or send a report or ret which it is his duty to make or send,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered to suffer such less punishment as is in this Act mentioned, and if an airm to suffer imprisonment, or such less punishment as is in this Act mentioned

False accusation, or false statement by airman.

27. Every person subject to this Act who commits any of the follow offences; that is to say,

(1) Being an officer or airman, makes a false accusation against any ot officer or airman, knowing such accusation to be false; or

(2) Being an officer or airman, in making a complaint where he thi himself wronged, knowingly makes any false statement affecting character of an officer or airman, or knowingly and wilfully suppre any material facts; or

(3) Being an airman, falsely states to his commanding officer that he been guilty of desertion or of fraudulent enlistment, or of deserti from the Army or Navy, or has served in and been discharged fr any portion of the regular reserve or auxiliary Air Force, or the Ar or Navy; or

(4) Being an airman, makes a wilfully false statement to any air fo officer or justice in respect of the prolongation of furlough,

shall, on conviction by court-martial, be liable to suffer imprisonment, or su less punishment as is in this Act mentioned.

Offences in relation to Courts-martial.

Offences in relation to Courts-martial.

Offences in relation to Courts-martial.

28. Every person subject to this Act who commits any of the followi offences; that is to say,

(1) Being duly summoned or ordered to attend as a witness before a cou martial, makes default in attending; or

(2) Refuses to take an oath or make a solemn declaration legally requir by a court-martial to be taken or made; or

(3) Refuses to produce any document in his power or control legally requir by a court-martial to be produced by him; or

(4) Refuses when a witness to answer any question to which a court-marti may legally require an answer; or

(5) Is guilty of contempt of a court-martial by using insulting or threateni language, or by causing any interruption or disturbance in t proceedings of such court,

all, on conviction by a court-martial, other than the court in relation to or fore whom the offence was committed, be liable if an officer, to be cashiered, to suffer such less punishment as is in this Act mentioned, and if an airman, suffer imprisonment, or such less punishment as is in this Act mentioned:

Provided that where a person subject to this Act is guilty of contempt of court-martial by using insulting or threatening language, or by causing any terruption or disturbance in the proceedings of such court, that court if they ink it expedient, instead of the offender being tried by another court-martial, ay by order under the hand of the president, order the offender to be imprisoned, with or without hard labour, or, in the case of an airman, to undergo detention, or a period not exceeding twenty-one days.

False evidence.

29. Every person subject to this Act who commits the following offence hat is to say,

When examined on oath or solemn declaration before a court-martial or any court or officer authorised by this Act to administer an oath wilfully gives false evidence,

hall be liable, on conviction by court-martial, to suffer imprisonment, or such ss punishment as is in this Act mentioned.

Offences in relation to Billeting.

Offences in relation to Billeting.

Offences in relation to billeting.

30. Every person subject to this Act who commits any of the following ffences (in this Act referred to as offences in relation to billeting); that is to say,

(1) Is guilty of any ill-treatment, by violence, extortion, or making disturbances in billets, of the occupier of a house in which any person or horse is billeted; or

(2) Being an officer, refuses or neglects, on complaint and proof of such ill-treatment by any officer or airman under his command, to cause compensation to be made for the same; or

(3) Fails to comply with the provisions of this Act with respect to the payment of the just demands of the person on whom he or any officer or airman under his command or his or their horses have been billeted, or to the making up and transmitting of an account of the money due to such person; or

(4) Wilfully demands billets which are not actually required for some person or horse entitled to be billeted; or

(5) Takes or knowingly suffers to be taken from any person any money or reward for excusing or relieving any person from his liability in respect of the billeting or quartering of officers, airmen, or horses, or any part of such liability; or

(6) Uses or offers any menace to or compulsion on a constable or other civil officer to make him give billets contrary to this Act, or tending to deter or discourage him from performing any part of his duty under the provisions of this Act relating to billeting, or tending to induce him to do anything contrary to his said duty; or

(7) Uses or offers any menace to or compulsion on any person tending to oblige him to receive, without his consent, any person or horse not duly billeted upon him in pursuance of the provisions of this Act relating to billeting, or to furnish any accommodation which he is not thereby required to furnish,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment, as is in this Act mentioned.

Offences in relation to Impressment of Carriages, &c.

Offences in relation to Impressment of Carriages, &c.

Offences in relation to the impressment of carriages, &c., and their attendants.

31. Every person subject to this Act who commits any of the following offences (in this Act referred to as offences in relation to the impressment of carriages); that is to say,

(1) Wilfully demands any carriages, animals, vessels, aircraft, food, forage or stores which are not actually required for the purposes authorised by this Act; or

(2) Fails to comply with the provisions of this Act relating to the impressment of carriages as regards the payment of sums due for carriages or as regards the weighing of the load; or

(3) Constrains any carriage, animal, or vessel furnished in pursuance of the provisions of this Act relating to the impressment of carriages to travel against the will of the person in charge thereof beyond the proper distance, or to carry against the will of such person any greater weight than he is required by the said provisions to carry; or

(4) Does not discharge as speedily as practicable any carriage, animal, vessel, or aircraft furnished in pursuance of the provisions of this Act relating to the impressment of carriages; or

(5) Compels the person in charge of any such carriage, animal, vessel, or aircraft, or permits him to be compelled, to take thereon any baggage or stores not entitled to be carried, or, except where the carriage or animal is furnished upon a requisition of emergency, to take thereon any airman or servant (except such as are sick), or any woman or child person; or

(6) Ill-treats or permits such person in charge to be ill-treated; or

(7) Uses or offers any menace to or compulsion on a constable to make him provide any carriage, animal, vessel, aircraft, food, forage, or stores which he is not bound in pursuance of the provisions of this Act relating to the impressment of carriages to provide, or tending to deter or discourage him from performing any part of his duty in relation to the providing of carriages, animals, vessels, aircraft, food, forage, or stores, or tending to induce him to do anything contrary to his said duty; or

(8) Forces any carriage, animal, vessel, aircraft, food, forage, or stores from the owner thereof,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, and to suffer such less punishment as is in this Act mentioned, and if an airman to suffer imprisonment, or such less punishment as is in this Act mentioned.

Offences in relation to Enlistment.

Offences in relation to Enlistment.

Enlistment of airman, soldier or sailor discharged with ignominy or disgrace.

32.—(1) Every person having become subject to this Act, who is discovered to have committed the following offence: that is to say,

Having been discharged with disgrace from any part of His Majesty's air or military forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the regular air force without declaring the circumstances of his discharge, or dismissal,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

(2) For the purpose of this section, the expression "discharged with disgrace from any part of His Majesty's air or military forces" means discharged with ignominy, discharged as incorrigible and worthless, discharged for misconduct or discharged on account of conviction for felony or of a sentence of penal servitude,

False answers or declarations on enlistment.

33. Every person having become subject to this Act who is discovered to have committed the following offence; that is to say,

To have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such punishment as is in this Act mentioned.

General offences in relation to enlistment

34. Every person subject to this Act who commits any of the following offences; that is to say,

(1) Is concerned in the enlistment for service in the regular air force of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Act; or

(2) Wilfully contravenes any enactments or the regulations of the service in any matter relating to the enlistment or attestation of airmen of the regular air force,

shall, on conviction by court-martial, be liable to suffer imprisonment, or such punishment as is in this Act mentioned.

Miscellaneous Offences.

Miscellaneous Offences.

Traitorous words.

35. Every person subject to this Act who commits the following offence; that is to say,

Uses traitorous or disloyal words regarding the Sovereign, shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such punishment as is in this Act mentioned, and if an airman, to suffer imprisonment or such less punishment as is in this Act mentioned.

Injurious disclosures.

36. Every person subject to this Act who commits the following offence; that is to say,

Whether serving with any of His Majesty's forces or not, without due authority, either verbally or in writing, or by signal or otherwise, discloses the numbers or position of any forces, or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any forces, at such time and in such manner as in the opinion of the court to have produced effects injurious to His Majesty's service,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, to suffer such less punishment as is in this Act mentioned, and if an airman, to suffer imprisonment, or such less punishment as is in this Act mentioned.

Ill-treating airman.

37. Every officer or non-commissioned officer who commits any of the following offences; that is to say,

(1) Strikes or otherwise ill-treats any airman; or

(2) Having received the pay of any officer or airman, unlawfully detains or unlawfully refuses to pay the same when due,

shall, on conviction by court-martial, be liable, if an officer, to be cashiered, to suffer such less punishment as is in this Act mentioned, and if a non-commissioned officer, to suffer imprisonment or such less punishment as is in this Act mentioned.

Duelling and attempting to commit suicide.

38. Every person subject to this Act who commits any of the following offences; that is to say,

(1) Fights, or promotes, or is concerned in or connives at fighting a duel; or

(2) Attempts to commit suicide,

shall, on conviction by court-martial, be liable, if an officer, to be cashie
or to suffer such less punishment as is in this Act mentioned, and if an airm
to suffer imprisonment, or such less punishment as is in this Act mentioned.

Refusal to deliver to civil power officers and airmen accused of civil offences.

39. Every person subject to this Act who commits any of the follow
offences; that is to say,

On application being made to him neglects or refuses to deliver over
the civil magistrate, or to assist in the lawful apprehension of, any off
or airman accused of an offence punishable by a civil court,

shall, on conviction by court-martial, be liable, if an officer, to be cashie
or to suffer such less punishment as is in this Act mentioned, and if an airm
to suffer imprisonment, or such less punishment as is in this Act mentioned.

Special Offences in relation to Aircraft, &c.

Special Offences in relation to Aircraft, &c.

Damage to aircraft, &c.

39A. Every person subject to this Act who commits any of the follow
offences; that is to say—

(*a*) Wilfully or by wilful neglect or negligently damages, destroys, or l
any of His Majesty's aircraft or aircraft material; or

(*b*) Is guilty of any neglect likely to cause such damage, destruction,
loss; or

(*c*) By neglect (whether wilful or otherwise) causes damage to or destruc
of any public property by fire; or

(*d*) Without lawful authority disposes of any of His Majesty's airc
or aircraft material; or

(*e*) Wilfully or by wilful neglect or negligently causes any danger in fly
to the life of any officer or airman of the air force; or

(*f*) During a state of war wilfully and without proper occasion or negligen
causes the sequestration by or under the authority of a neutral st
or the destruction in a neutral state of any of His Majesty's aircra

shall, on conviction by court-martial, be liable, if he has acted wilfully or w
wilful neglect, to suffer penal servitude, or such less punishment as is in t
Act mentioned, and in any case to suffer imprisonment, or such less punishm
as is in this Act mentioned.

Conduct to prejudice of Discipline.

Conduct to prejudice of Discipline.

Conduct to prejudice of air force discipline.

40. Every person subject to this Act who commits any of the follow
offences; that is to say,

Is guilty of any act, conduct, disorder, or neglect to the prejudice of go
order and air-force discipline,

shall, on conviction by court-martial, be liable, if an officer, to be cashiere
or to suffer such less punishment as is in this Act mentioned, and if an airma
to suffer imprisonment, or such less punishment as is in this Act mentione
Provided that no person shall be charged under this section in respect of a
offence for which special provision is made in any other part of this Act, a
which is not a civil offence; nevertheless the conviction of a person so charg
shall not be invalid by reason only of the charge being in contravention of t
proviso, unless it appears that injustice has been done to the person charged
reason of such contravention; but the responsibility of any officer for th
contravention shall not be removed by the validity of the conviction.

Offences punishable by ordinary Law.

Offences punishable by ordinary Law.

Offences punishable by ordinary law of England.

41. Subject to such regulations for the purpose of preventing interference with the jurisdiction of the civil courts as are in this Act after mentioned, every person who, whilst he is subject to this Act, shall commit any of the offences this section mentioned shall be deemed to be guilty of an offence against this Act, and if charged under this section with any such offence (in this Act referred to as a civil offence) shall be liable to be tried by court-martial, and on conviction to be punished as follows; that is to say,

(1) If he is convicted of treason, be liable to suffer death, or such less punishment as is in this Act mentioned; and

(2) If he is convicted of murder, be liable to suffer death; and

(3) If he is convicted of manslaughter or treason-felony, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

(4) If he is convicted of rape, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and

(5) If he is convicted of any offence not before in this section particularly specified, which when committed in England is punishable by the law of England, be liable, whether the offence is committed in England or elsewhere, either to suffer such punishment as might be awarded to him in pursuance of this Act in respect of an act to the prejudice of good order and air-force discipline, or to suffer any punishment assigned for such offence by the law of England.

Provided as follows:—

(*a*) A person subject to this Act shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in the United Kingdom, and shall not be tried by court-martial for treason, murder, manslaughter, treason-felony, or rape committed in any place within His Majesty's dominions, other than the United Kingdom and Gibraltar, unless such person at the time he committed the offence was on active service, or such place is more than one hundred miles as measured in a straight line from any city or town in which the offender can be tried for such offence by a competent civil court;

(*b*) A person subject to this Act when in His Majesty's dominions may be tried by any competent civil court for any offence for which he would be triable if he were not subject to this Act.

Redress of Wrongs.

Redress of Wrongs.

Mode of complaint by officer.

42. If an officer thinks himself wronged by his commanding officer, and on due application made to him does not receive the redress to which he may consider himself entitled, he may complain to the Air Council in order to obtain justice, who are hereby required to examine into such complaint, and through a Secretary of State make their report to His Majesty in order to receive the directions of His Majesty thereon.

Mode of complaint by airman.

43. If any airman thinks himself wronged in any matter by any officer other than his captain, or by any airman, he may complain thereof to his captain, and if he thinks himself wronged by his captain, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the prescribed general officer; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

Punishments.

Punishments.

Scale of punishments by courts-martial.

44. Punishments may be inflicted in respect of offences committed by perso subject to this Act and convicted by courts-martial,—

In the case of officers, according to the scale following:

(*a*) Death;
(*b*) Penal servitude for a term not less than three years;
(*c*) Imprisonment, with or without hard labour, for a term not exceeding tw years;
(*d*) Cashiering;
(*e*) Dismissal from His Majesty's service;
(*f*) Forfeiture in the prescribed manner of seniority of rank, either in th air-force or in the corps or unit to which the offender belongs, or in both
(*g*) Reprimand, or severe reprimand;

In the case of airmen, according to the scale following:

(*h*) Death;
(*j*) Penal servitude for a term not less than three years;
(*k*) Imprisonment, with or without hard labour, for a term not exceedin two years;
(*kk*) Detention for a term not exceeding two years;
(*l*) Discharge with ignominy from His Majesty's service;
(*m*) In the case of a non-commissioned officer, forfeiture, in the prescribe manner, of seniority of rank, or reduction to a lower grade, or to th ranks;
(*n*) Forfeitures, fines, and stoppages.

Provided that—

(1) Where in respect of any offence under this Act there is specified a pa to this ticular punishment, or such less punishment as is in this Act mentioned there may be awarded in respect of that offence, instead of such particula punishment (but subject to the other regulations of this Act as t punishments, and regard being had to the nature and degree of th offence) any one punishment lower in the above scales than the particula punishment:

(1A) For the purposes of commutation and revision of punishment, detentio shall not be deemed to be a less punishment than imprisonment if th term of detention is longer than the term of imprisonment:

(2) An officer shall be sentenced to be cashiered before he is sentenced t penal servitude or imprisonment:

(3) An officer when sentenced to forfeiture of seniority of rank may also b sentenced to reprimand or severe reprimand:

(4) An airman when sentenced to penal servitude or imprisonment may, i addition thereto, be sentenced to be discharged with ignominy fro His Majesty's service:

(5) Where an airman on active service is guilty of any offence, it shall b lawful for a court-martial to award for that offence such field punishment other than flogging, as may be directed by rules to be made from tim to time by a Secretary of State, and such field punishment shall be o the character of personal restraint or of hard labour, but shall not b of a nature to cause injury to life or limb:

(6) In addition to or without any other punishment, in respect of an offenc committed by an airman on active service, it shall be lawful for a court martial to order that the offender forfeit all ordinary pay for a perio commencing on the day of the sentence and not exceeding three months:

(9) All rules with respect to field punishment made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament:

(10) For the purpose of commutation of punishment the field punishment above mentioned shall be deemed to stand in the scale of punishments next below detention:

(11) In addition to or without any other punishment in respect of any offence, an offender convicted by court-martial may be subject to forfeiture of any deferred pay, service towards pension, air-force decoration or air-force reward, in such manner as may for the time being be provided by Royal Warrant, but shall not, save as may be provided by Royal Warrant, be liable to any forfeiture under the Regimental Debts Act, 1893, as applied to the air force, or under any Act relating to the military savings banks as so applied or any regulations made in pursuance of either of the above-mentioned Acts as so applied: 56 & 57 Vict. c. 5.

(12) In addition to or without any other punishment in respect of any offence, an offender may be sentenced by court-martial to any deduction authorised by this Act to be made from his ordinary pay:

(13) No officer or non-commissioned officer shall, under or by virtue of any power or authority derived from any foreign potentate or ruler, inflict or cause to be inflicted on any person subject to this Act, for or in respect of any offence against this Act any punishment not authorised by this Act

Arrest and Trial.

Arrest.

Arrest.

Custody of persons charged with offences.

45. The following regulations shall be enacted with respect to persons subject this Act when charged with offences punishable under this Act:—

(1) Every person subject to this Act when so charged may be taken into air-force custody: Provided, that in every case where any officer or airman not on active service remains in such air-force custody for a longer period than eight days without a court-martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed; and a similar report shall be forwarded every eight days until a court-martial is assembled or the officer or airman is released from custody:

(2) Air-force custody means the putting the offender under arrest or the putting him in confinement and includes naval and military custody:

(3) An officer may order into air-force custody an officer of inferior rank or any airman, and any non-commissioned officer may order into air-force custody any airman, and an officer may order into air-force custody any officer (though he be of higher rank) engaged in a quarrel, fray, or disorder; and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same corps or unit, arm, or branch of the service:

(4) An officer or non-commissioned officer commanding a guard, or a provost marshal or assistant provost marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal, or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost marshal, or assistant provost marshal into

whose custody the person is committed, an account in writing, sig by himself, of the offence with which the person so committed is charg

(5) The charge made against every person taken into air-force custody s without unnecessary delay be investigated by the proper air-fo authority, and, as soon as may be, either proceedings shall be tak for punishing the offence, or such persons shall be discharged fr custody.

Power o Commanding Officer.

Power of Commanding Officer.

Power of commanding officer.

46.—(1) The commanding officer shall, upon an investigation being had charge made against a person subject to this Act under his command of hav committed an offence under this Act, dismiss the charge, if he in his discret thinks that it ought not to be proceeded with, but where he thinks the cha ought to be proceeded with, he may take steps for bringing the offender to co martial, or in the case of an airman may deal with the case summarily.

(2) Where he deals with a case summarily, he may—

(*a*) Award to the offender detention for any period not exceeding twen eight days; and

(*b*) In the case of the offence of drunkenness, may order the offender to a fine not exceeding ten shillings, either in addition to or with detention; and

(*c*) In addition to or without any other punishment may order the offen to suffer any deduction from his ordinary pay authorised by this to be made by the commanding officer; and

(*d*) In the case of an offence by an airman (not being a non-commissio officer) on active service, may award to the offender field punishm within the meaning of section forty-four of this Act for any period exceeding twenty-eight days, and may in addition to, or without other punishment, order that the offender forfeit all ordinary pay a period commencing on the day of the sentence and not exceed twenty-eight days.

(3) Where the charge is against an airman for drunkenness the command officer shall deal with the case summarily unless the offence was committed active service or on duty, or after the offender was warned for duty, or unless reason of the drunkenness the offender was found unfit for duty, or unless airman has been guilty of drunkenness on not less than four occasions in preceding twelve months; but nothing in this subsection shall affect the juris tion of any court-martial or the right of the airman to be tried by a dist court-martial.

(5) Provided that where detention is awarded for absence without leave commanding officer shall have regard to the number of days during which offender has been absent, and in no case shall the term of detention awarded exceeding seven days, exceed the term of absence.

(6) Provided that in every case where the commanding officer has power deal with the case summarily, the accused person may demand that the evide against him should be taken on oath, and the same oath or solemn declarat as that required to be taken by witnesses before a court-martial shall be admi tered to each witness in such case.

(7) An offender shall not be liable to be tried by court-martial for any offe which has been dealt with summarily by his commanding officer, and shall be liable to be punished by his commanding officer, for any offence of which he been acquitted or convicted by a competent civil court or by a court-martial

(8) Where a commanding officer has power to deal with a case summar under this section, and, after hearing the evidence, considers that he may deal with the case, he shall, in every case where the award or finding involve forfeiture of pay, and in every other case, unless he awards one of the mi punishments referred to in this section, ask the airman charged whether he des

be dealt with summarily or to be tried by a district court-martial and if the man elects to be tried by a district court-martial the commanding officer shall take steps for bringing him to trial by a district court-martial, but otherwise shall proceed to deal with the case summarily.

(9) Nothing in this section shall prejudice the power of a commanding officer to award such minor punishments as he is for the time being authorised to award, so, however, that a minor punishment shall not be awarded for any offence for which detention exceeding seven days is awarded.

Courts-martial.

Courts-martial.

General and district courts-martial.

48. The following rules are enacted with respect to general courts-martial and district courts-martial:—

(1) A general court-martial shall be convened by His Majesty or some officer deriving authority to convene a general court-martial immediately or mediately from His Majesty:

(2) A district court-martial shall be convened by an officer authorised to convene general courts-martial, or some officer deriving authority to convene a district court-martial from an officer authorised to convene general courts-martial:

(3) A general court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar of not less than seven and elsewhere of not less than five officers, each of whom must have held a commission during not less than three whole years, and of whom not less than five must be of a rank not below that of captain:

(4) A district court-martial shall consist of not less than three officers, each of whom must have held a commission during not less than two whole years:

(5) The minimum number mentioned in this section for a general or a district court-martial shall be the legal minimum for that court-martial:

(6) A district court-martial shall not try a person subject to this Act as an officer, nor award the punishment of death or penal servitude; but, subject as aforesaid, any offence under this Act committed by a person subject to this Act, and triable by court-martial, may be tried and punished by either a general or district court-martial:

(7) An officer under the rank of captain shall not be a member of a court-martial for the trial of a field officer:

(8) Sentence of death shall not be passed on any prisoner without the concurrence of two-thirds at the least of the officers serving on the court-martial by which he is tried:

(9) The president of a court-martial, whether general or district, shall be appointed by order of the authority convening the court, but he shall not be under the rank of field officer, unless the officer convening the court is under that rank, or unless in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, a field officer is not, with due regard to the public service, available, in either of which cases an officer not below the rank of captain may be the president of such court-martial, and he shall not be under the rank of captain, except in the case of a district court-martial, where in the opinion of the officer who convenes the court, such opinion to be expressed in the order convening the court and to be conclusive, a captain is not, having due regard to the public service, available:

(10) If it becomes necessary to convene a court-martial under this Act at any place where in the opinion of the convening officer the necessary number of officers of the air force is not available to form such a court, or where in his opinion such a necessary number could not be made

available without serious injury to the interests of the service, and opinion to be expressed in the order convening the court, and t conclusive, then the said convening officer may, with the consen the proper naval or military authority, nominate any naval or mili officer to preside over the court, or nominate as members of the c any necessary number of naval or military officers in addition to lieu of officers of the air force: Provided that no naval or military o shall be qualified to perform any function in relation to such c martial unless he is of equal seniority and equivalent rank to that w would have been required by the provisions of this Act if he had an officer of the air force.

Field general courts-martial.

49.—(1) Where a complaint is made to any officer in command of detachment or portion of the air force in any country beyond the seas, or t commanding officer of any corps or unit or portion of a corps or unit on ac service, or to any officer in immediate command of a body of the air force on ac service, that an offence has been committed by any person subject to this A

then, if in the opinion of such officer it is not practicable that such offe should be tried by an ordinary general court-martial, it shall be lawful for although not authorised to convene general courts-martial, to convene a c martial, in this Act referred to as a field general court-martial, for the trial o person charged with such offence, provided as follows:—

(*a*) An officer in command of a detachment or portion of the air force on active service shall not convene a field general court-martial for trial of any person, unless that person is under his command, nor u the offence with which the person is charged is an offence against property or person of an inhabitant of, or resident in, the countr which the offence is alleged to have been committed:

(*b*) A field general court-martial shall consist of not less than three offi unless the officer convening the same is of opinion that three officers not available having due regard to the public service, in which case court-martial may consist of two officers:

(*c*) The convening officer may preside, but he shall, whenever he deem practicable, appoint another officer as president, who may be of rank, but shall, if practicable in the opinion of the convening officer not below the rank of captain.

(*d*) Where a field general court-martial consists of less than three offi the sentence shall not exceed such field punishment as is allowed this Act, or imprisonment.

(2) Section forty-eight of this Act, except subsection (10) thereof, shall apply to a field general court-martial, but sentence of death shall not be pa on any prisoner by a field general court-martial without the concurrence o the members.

(3) A field general court-martial may, notwithstanding the restrict enacted by this Act in respect of the trial by court-martial of civil offences wi the meaning of this Act, try any person subject to this Act who is under command of the convening officer, and is charged with any such offence mentioned in this section, and may award for such offence any sentence whi general court-martial is competent to award for such offence. Provided alw that no sentence of any such court-martial shall be executed until confirme provided by this Act.

Courts-martial in general.

50.—(1) The officers sitting on a court-martial may belong to the sam different corps or units, or may be unattached to any corps or unit, and ma persons belonging or attached to any corps or unit.

(2) The officer who convened a court-martial shall not, save as is other expressly provided by this Act, sit on that court-martial.

(3) Any of the following persons, that is to say, a prosecutor or witness for the prosecution of any accused, or the commanding officer of the accused within the meaning of the provisions of this Act which relate to dealing with a case summarily, or the officer who investigated the charges on which an accused is arraigned, shall not, save in the case of a field general court-martial, sit on the court-martial for the trial of such accused, nor shall he act as judge advocate at such court-martial.

Challenges by prisoner.

51.—(1) An accused about to be tried by any court-martial may object, for any reasonable cause, to any member of the court, including the president, whether appointed to serve thereon originally or to fill a vacancy caused by the retirement of an officer objected to, so that the court may be constituted of officers to whom the accused makes no reasonable objection.

(2) Every objection made by an accused to any officers shall be submitted to the other officers appointed to form the court.

(3) If the objection is to the president, such objection, if allowed by one-third or more of the other officers appointed to form the court, shall be allowed, and the court shall adjourn for the purpose of the appointment of another president.

(4) If an objection to the president is allowed, the authority convening the court shall appoint another president, subject to the same right of the accused to object.

(5) If the objection is to a member other than the president and is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(6) In order to enable an accused to avail himself of his privilege of objecting to any officer, the names of the officers appointed to form the court shall be read over in the hearing of the accused on their first assembling, and before they are sworn, and he shall be asked whether he objects to any of such officers, and a like question shall be repeated in respect of any officer appointed to serve in lieu of a retiring officer.

Administration of oaths.

52.—(1) An oath shall be administered by the prescribed person to every member of every court-martial before the commencement of the trial in the following form; that is to say,

"You do swear that you will well and truly try the accused [or accused persons] before the court according to the evidence, and that you will duly administer justice according to the Air Force Act now in force, without partiality, favour, or affection, and you do further swear that you will not divulge the sentence of the court until it is duly confirmed, and you do further swear that you will not on any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required in due course of law. So help you GOD."

(2) An oath in the prescribed form or forms shall be administered by the prescribed person to the judge advocate or person officiating as judge advocate (if any), and also to every officer in attendance on a court-martial for the purpose of instruction (if any), and also to every shorthand writer (if any) in attendance on the court-martial.

(3) Every witness before a court-martial shall be examined on oath, which the president or other prescribed person shall administer in the prescribed form.

(4) If a person by this Act required either as a member of, or person in attendance on, or witness before, a court-martial, or otherwise in respect of a court-martial, to take an oath, objects to take an oath, or is objected to as incompetent to take an oath, the court, if satisfied of the sincerity of the objection, or, where

the competence of the person to take on oath is objected to, of the oath hav
no binding effect on the conscience of such person, shall permit such per
instead of being sworn to make a solemn declaration in the prescribed form, a
for the purposes of this Act such solemn declaration shall be deemed to be
oath.

Procedure.

53.—(1) If a court-martial after the commencement of the trial is, by de
or otherwise, reduced below the legal minimum, it shall be dissolved.

(2) If after the commencement of the trial the president dies or is otherw
unable to attend, and the court is not reduced below the legal minimum,
convening authority may appoint the senior member of the court, if of suffici
rank, to be president, and the trial shall proceed accordingly; but if he is no
sufficient rank the court shall be dissolved.

(3) If, on account of the illness of the accused before the finding, it is impossi
to continue the trial, a court-martial shall be dissolved.

(4) Where a court-martial is dissolved under the foregoing provisions of t
section the accused may be tried again.

(5) The president of any court-martial may, on any deliberation amon
the members, cause the court to be cleared of all other persons.

(6) The court may adjourn from time to time.

(7) The court may also, where necessary, view any place.

(8) In the case of an equality of votes on the finding the accused shall
deemed to be acquitted. In the case of an equality of votes on the sentence
any question arising after the commencement of the trial except the finding,
president shall have a second or casting vote.

(9) When a court-martial recommend a person under sentence to mer
such recommendation shall be attached to and form part of the proceeding
the court, and shall be promulgated and communicated to the person un
sentence, together with the finding and sentence.

Confirmation, revision and approval of sentences.

54.—(1) The following authorities shall have power to confirm the findi
and sentences of courts-martials; that is to say,

(*b*) In the case of a general court-martial, His Majesty, or some offi
deriving authority to confirm the findings and sentences of gene
courts-martial immediately or mediately from His Majesty:

(*c*) In the case of a district court-martial, an officer authorised to conv
general courts-martial, or some officer deriving authority to confirm
findings and sentences of district courts-martial from an officer author
to convene general courts-martial:

(*d*) In the case of a field general court-martial, an officer authorised
confirm the findings and sentences of general courts-martial for the t
of offences in the force of which the detachment or portion of the
force under the command of the convening officer forms part, or, wh
the offence was committed on active service, any such officer as
under the rules made in pursuance of this Act be authorised to conf
the findings and sentences of the field general court-martial award
the sentence: Provided that a sentence of death or penal servitu
awarded by a field general court-martial shall not be carried into eff
unless or until it has been confirmed by the general field or flag off
commanding the force with which the person under sentence is pres
at the date of his sentence, whether such officer is an officer of the
force or of the naval or military forces.

(2) The authority having power to confirm the finding and sentence o
court-martial may send back such finding and sentence, or either of them,
revision once, but not more than once, and it shall not be lawful for the co
on any revision to receive any additional evidence; and where the finding
is sent back for revision, the court shall have power without any direction

revise the sentence also. In no case shall the authority recommend the increase of a sentence, nor shall the court-martial on revisal of the sentence, either in obedience to the recommendation of an authority, or for any other reason, have the power to increase the sentence awarded.

(3) The finding of acquittal, whether on all or some of the offences with which the accused is charged, shall not require confirmation or be subject to be revised, and if it relates to the whole of the offences shall be pronounced at once in open court, and the accused shall be discharged.

(4) A member of a court-martial shall not have authority to confirm the finding or sentence of that court-martial, and where a member of a court-martial becomes confirming officer he shall refer the finding and sentence of the court-martial to a superior authority competent to confirm the findings and sentences of the like description of courts-martial, and that authority shall, for the purposes of this Act, be deemed to be in that instance the confirming authority; and where a court-martial is held in a colony, and there is no such superior authority in that colony, the governor of that colony shall have power to confirm the finding and sentence of such court-martial in like manner in all respects as if he were such superior authority as above mentioned. Provided that where a member of a field general court-martial trying an accused would but for his being a member of the court have power to confirm the finding and sentence of the court, and is of opinion that it is not practicable, having due regard to the public service, to delay the case for the purpose of referring it to any other officer, he may confirm the finding and sentence.

(5) An officer having authority to confirm the finding and sentence of a court-martial may withhold his confirmation wholly or partly, and refer such finding and sentence or the part not confirmed to any superior authority competent to confirm the findings and sentence of the like description of courts-martial, and that authority shall for the purposes of this Act be deemed to be in that instance and to the extent of such reference the confirming authority.

(6) Subject to the provisions of this Act with respect to the finding of acquittal, the finding and sentence of a court-martial shall not be valid except in so far as the same may be confirmed by an authority authorised to confirm the same.

(7) Sentence of death when passed in a colony shall not, unless passed in respect of an offence committed on active service, be carried into effect, unless, in addition to the confirmation otherwise required by this Act, it is approved by the governor of the colony.

(8) Sentence of death when passed in India in respect of the offence of treason or murder shall not (except where the offence was committed on active service) be carried into effect, unless, in addition to the confirmation otherwise required by this Act, it is approved by the Governor-General.

(9) When a person subject to this Act is convicted of manslaughter, or rape, or any other civil offence under the section of this Act relating to the trial by court-martial of civil offences, and is sentenced to penal servitude, such sentence shall not be carried into execution unless, in addition to the confirmation otherwise required by this Act, it is approved, if the offender has been tried in India, by the Governor-General, or, if he has been tried in a colony, by the governor of the colony.

Conviction of less offence permissible on charge of greater.

56.—(1) An accused charged before a court-martial with stealing may be found guilty of embezzlement or of fraudulently misapplying money or property.

(2) An accused charged before a court-martial with embezzlement may be found guilty of stealing or fraudulently misapplying money or property.

(3) An accused charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(4) An accused charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(5) An accused charged before a court-martial with any other offence unde this Act, may on failure of proof of an offence being committed under circum stances involving a higher degree of punishment, be found guilty of the sam offence as being committed under circumstances involving a less degree punishment.

Execution of Sentence.

EXECUTION OF SENTENCE.

Commutation and remission of sentences.

57.—(1) The confirming authority may, when confirming the sentence of an court-martial, mitigate or remit the punishment thereby awarded, or commut such punishment for any less punishment or punishments to which the offend might have been sentenced by the said court-martial, or if such punishment death awarded for the offence of murder, then for penal servitude or such les punishment as is in this Act mentioned. The confirming authority may als suspend for such time as seems expedient the execution of a sentence.

(2) When a sentence passed by a court-martial has been confirmed, th following authorities shall have power to mitigate or remit the punishmer thereby awarded, or to commute such punishment for any less punishment punishments to which the offender might have been sentenced by the said cour martial, or, if such punishment is death awarded for the offence of murder, the for penal servitude or such less punishment as in this Act mentioned; that to say,

As respects persons undergoing sentence in any place whatever, His Majest or the Air Council or any prescribed officer.

(3) Provided that the power given by this section shall not be exercise by an officer holding a command inferior to that of the authority confirming th sentence, unless such officer is authorised by such confirming authority or oth superior air-force authority to exercise such power.

(4) An authority having power under this section to mitigate, remit, commute any punishment may, if it seem fit, do all or any of those things respect of a person subject to such punishment.

(5) The provisions of this Act with respect to an original sentence of pen servitude, imprisonment, or detention shall apply to a sentence of penal servitud imprisonment, or detention imposed by way of commutation.

Effect of sentence of penal servitude.

58. When a person subject to this Act is convicted by a court-martial, wheth in the United Kingdom or elsewhere, either within or without His Majesty dominions, and is sentenced to penal servitude, such conviction and senten shall be of the same effect as if such person (in this Act referred to as an air-for convict) had been convicted in the United Kingdom of an offence punishable b penal servitude and sentenced to penal servitude by a competent civil cour and all enactments relating to a person sentenced to penal servitude by competent civil court shall, so far as circumstances admit, apply accordingly.

Execution of sentences of penal servitude passed in the United Kingdom.

59.—(1) Where a sentence of penal servitude is passed by a court-martial the United Kingdom, the air-force convict on whom such sentence has bee passed shall, as soon as practicable, be transferred to a penal servitude prison undergo his sentence according to law, and until so transferred shall be kept air-force custody.

(2) The order of the committing authority (hereafter in this section mentione shall be a sufficient warrant for his transfer to a penal servitude prison.

(3) At any time before his arrival at a penal servitude prison the dischargi authority (hereafter in this section mentioned) may by order discharge the ai force convict.

(4) Any one or more of the following authorities shall be the committing authority for the purposes of this section, namely,—

(*a*) The Air Council,

(*b*) The commanding officer of the air-force convict, and

(*c*) Any other prescribed officer.

(5) Any one of the following authorities shall be the discharging authority for the purposes of this section, namely,—

(*a*) The Air Council, and

(*b*) Any other prescribed officer.

Execution of sentences of penal servitude passed in India or a colony.

60.—(1) Where a sentence of penal servitude is passed by a court-martial in India or any colony, the air-force convict on whom such sentence has been passed shall, as soon as practicable, be transferred to a penal servitude prison to undergo his sentence according to law.

(2) The order of the committing authority (hereafter in this section mentioned) shall be a sufficient warrant for his transfer to a penal servitude prison.

(3) The air-force convict during the period which intervenes between the passing of his sentence and his arrival at the penal servitude prison (in this section referred to as the term of his intermediate custody) shall be deemed to be in legal custody.

(4) The air-force convict during his term of intermediate custody may be kept in air-force custody or in civil custody, or partly in one description of custody and partly in the other, and may from time to time be transferred from air-force custody to civil custody and from civil custody to air-force custody as occasion may require, and may, during his conveyance from place to place, or when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

(5) "Civil custody," for the purposes of this section, means custody in any authorised prison; nevertheless, where it is not practicable to place the air-force convict in an authorised prison he may, by way of civil custody, be confined temporarily in any other prison with the assent of the authority having jurisdiction over that prison.

(6) The air-force convict whilst in any prison in which he may legally be placed may be dealt with, in respect of hard labour and otherwise, according to the rules of that prison.

(7) An order of the removing authority (hereafter in this section mentioned) shall be a sufficient authority for the transfer of the air-force convict from air-force custody to civil custody and from civil custody to air-force custody, and his removal from place to place, and for his detention in civil custody, and generally for dealing with such convict in such manner as may be thought expedient during the term of his intermediate custody.

(8) The removing authority during the term of the intermediate custody of the air-force convict may from time to time by order provide for his being brought before a court-martial or any civil court, either as a witness or for trial or otherwise, and an order of such authority shall be a sufficient warrant for the delivering him into air-force custody, and detaining him in custody until he can be returned, and for returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority.

(9) Any directions of the removing authority relating to the mode in which the air-force convict is to be dealt with during the term of his intermediate custody may be contained in the same order or in several orders; and if the orders are more than one, they may be by different officers and at different times.

(10) At any time before the air-force convict arrives at a penal servitude prison the discharging authority (hereafter in this section mentioned) may by order discharge the air-force convict.

(11) The committing authority for the purposes of this section, whether in India or a colony, shall be the prescribed officer.

(12) Any one or more of the following officers shall be the removing author for the purposes of this section; that is to say,

(*a*) Any officer prescribed as the committing authority; also

(*c*) Any other prescribed officer.

(13) Any of the following officers shall be the discharging authority for t purposes of this section; that is to say,

(*a*) The officer who confirmed the sentence; also

(*b*) Any officer prescribed as the committing authority; also

(*c*) Any other prescribed officer.

Execution of sentences of penal servitude passed in a foreign country.

61.—(1) Where a sentence of penal servitude is passed by a court-mar in any foreign country, the air-force convict on whom such sentence has b passed shall as soon as practicable be transferred to a penal servitude prison the purpose of undergoing his sentence according to law, and, until so transfer may be kept in air-force custody.

(2) The order of the committing authority (hereafter in this section mention shall be a sufficient warrant for the transfer of the air-force convict to a pe servitude prison.

(3) If at any time before his arrival in the United Kingdom the air-fo convict is brought into India or any colony, he may be dealt with by competent air-force authority in India or such colony in the same manner in respects as if he had been there sentenced by court-martial to penal servitu

(4) The air-force convict may at any time before he arrives at any place the United Kingdom, India, or any colony, be discharged by the discharg authority (hereafter in this section mentioned) having jurisdiction in any p where the air-force convict may for the time being be.

(5) Any one or more of the following officers shall be the committing autho for the purposes of this section; that is to say,

(*b*) The officer who confirmed the sentence of the court;

(*c*) Any other prescribed officer.

(6) Any committing authority under this section shall also be the discharg authority for the purposes of this section.

General provisions applicable to penal servitude.

62.—(1) A penal servitude prison for the purposes of the provisions of t Act relating to penal servitude means any prison or place in which a priso sentenced to penal servitude by a civil court in the United Kingdom can for time being be confined, either permanently or temporarily.

(2) An "authorised prison" for the purposes of this Act relating to pe servitude means any prison in India or any colony which the Governor-Gen of India or the governor of such colony may, with the concurrence of a Secret of State, have appointed as a prison in which air-force convicts may, during period of their intermediate custody, be confined.

(3) After an air-force convict has arrived at the penal servitude prison undergo his sentence, he shall be dealt with in the like manner as an ordin civil prisoner under sentence of penal servitude.

Execution of sentences of imprisonment and detention.

63.—(1) Where a sentence of imprisonment is passed by court-martial, person on whom that sentence has been passed (in the provisions of this relating to imprisonment referred to as an air-force prisoner) shall undergo term of his imprisonment either in air-force custody or in a detention barr or in a public prison, or partly in one way and partly in another, and whe sentence of detention is passed by a court-martial or a commanding officer, person on whom that sentence has been passed (in the provisions of this relating to detention referred to as an airman undergoing detention) shall unde the term of his detention either in air-force custody or in a detention barra or partly in one way and partly in the other, but not in a prison.

(2) Any person liable to be imprisoned in an air-force prison may be confined in a detention barrack.

(3) The order of the committing authority hereafter mentioned shall be a sufficient warrant for the transfer of an air-force prisoner to a public prison or a detention barrack, or an airman undergoing detention to a detention barrack.

(4) An air-force prisoner while in a public prison shall be confined, kept to hard labour, and otherwise dealt with in the like manner as an ordinary prisoner under a like sentence of imprisonment; and where the hospital or place for the reception of sick persons in a public prison or a detention barrack is detached from the prison or detention barrack, an air-force prisoner or an airman undergoing detention may be detained in that hospital or place, and conveyed to or from the same as circumstances require.

(5) An air-force prisoner or an airman undergoing detention, during his conveyance from place to place, or when on board ship or otherwise, may be subjected to such restraint as is necessary for his safe custody and removal.

(6) The discharging authority hereafter mentioned may, at any time during the period of the imprisonment of an air-force prisoner, or of the detention of an airman undergoing detention, by order discharge the prisoner or airman.

(7) The committing authority or any other prescribed authority may at any time by order remove an air-force prisoner from one public prison or detention barrack to another prison or detention barrack, or an airman undergoing detention from one detention barrack to another, so that he be not removed from a prison or detention barrack in the United Kingdom to a prison or detention barrack elsewhere.

(8) The removing authority hereafter mentioned may, at any time during the period of the imprisonment of an air-force prisoner or of the detention of an airman undergoing detention, from time to time by order, provide for his being brought before a court-martial, or any civil court, either as a witness, or for trial or otherwise, and an order of such authority shall be a sufficient warrant for delivering him into air-force custody and detaining him in custody until he can be returned, and for returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority.

Supplemental provisions as to sentences of imprisonment or detention passed or being undergone in the United Kingdom.

64. Where a sentence of imprisonment or detention is passed or is being undergone in the United Kingdom, then for the purposes of the provisions of this Act relating to imprisonment or detention, as the case may be—

(1) The expression " public prison " means any prison in the United Kingdom in which offenders sentenced by a civil court to imprisonment can for the time being be confined:

(2) Any one or more of the following authorities shall be the committing authority:

(*a*) The Air Council;
(*b*) The officer who confirmed the sentence;
(*c*) The commanding officer of the air-force prisoner or airman undergoing detention; and
(*d*) Any other prescribed officer;

(3) Any one of the following authorities shall be the discharging authority:

(*a*) The Air Council;
(*c*) The officer who confirmed the sentence;
(*d*) Any other prescribed officer; also
(*e*) Where the sentence was passed by the commanding officer, the commanding officer;

(4) Any one or more of the following authorities shall be the removin authority:

(*a*) The Air Council;

(*c*) Any other prescribed officer; also,

(*d*) Where the sentence was passed by the commanding officer, the com manding officer.

Supplemental provision as to sentences of imprisonment or detention passed or being undergone in India or a colony.

65. Where a sentence of imprisonment or detention is passed or being unde gone in India or any colony, then, for the purposes of the provisions of this A relating to imprisonment or detention, as the case may be—

(1) The expression "public prison" means any of the following prisons that is to say,

(*a*) Where the sentence was passed in India, any authorised prison i India;

(*b*) Where the sentence was passed in a colony, any authorised prison i that colony;

(*c*) Any such authorised prison in any part of His Majesty's dominio other than that in which the sentence was passed as may be pr scribed; and

(*d*) Any public prison in the United Kingdom as above defined for t purpose of the provisions of this Act relating to imprisonment in t United Kingdom;

(2) "Authorised prison" means any prison in India or any colony which t Governor-General of India or the governor of such colony, with t concurrence of the Secretary of State, may have appointed as a pris in which air-force prisoners may be confined;

(3) An air-force prisoner may temporarily be confined in a prison not public prison, with the assent of the authority having jurisdiction ov such prison. And an air-force prisoner, who is to undergo his senten in the United Kingdom until he reaches a prison in the United Kingdo in which he is to undergo his sentence, may be kept in air-force custod or in civil custody, and partly in one description of custody and partly i the other, and may from time to time be transferred from air-for custody to civil custody, and from civil custody to air-force custody, occasion may require.

(4) Any one or more of the following officers shall be the committing autho ity; that is to say, whether in India or in a colony,

(i) The officer who confirmed the sentence;

(ii) The commanding officer of the air-force prisoner or airman undergoi detention; and

(iii) Any other prescribed officer;

(5) Any of the following officers shall be the discharging authority:

(*b*) Any officer in this section named as a committing authority, with th exception, that the commanding officer shall only be a dischargi authority where the sentence was passed by a commanding officer and

(*c*) Any other prescribed officer:

(6) Any one or more of the following officers shall be the removing authorit

(*a*) Any officer in this section named as a committing authority;

(*c*) Any other prescribed officer.

Supplemental provision as to sentences of imprisonment or detention passed in a foreign country.

66. Where a sentence of imprisonment or detention is passed by a court-martial or commanding officer in any foreign country, then if and as soon as the air-force prisoner or airman undergoing detention on whom such sentence has been passed is brought into the United Kingdom or India, or any colony, the provisions of this Act shall apply in the same manner in all respects as if the sentence of imprisonment or detention had been passed in the United Kingdom, India, or any colony, as the case may be, with this addition, that the officer commanding the force to which the air-force prisoner or airman undergoing detention belonged at the time of his being sentenced shall also be deemed to be a committing authority, whether such officer is an officer of the air force or of the Army or Navy.

Removal of prisoner or airman undergoing detention to place where corps or unit is serving.

67.—(1) The competent air-force authority (hereafter in this section mentioned) may give directions for the delivery into air-force custody of any air-force prisoner or airman undergoing detention for the time being undergoing his sentence of imprisonment or detention, and the removal of such prisoner or airman, whether with his corps or unit, or separately, to any place beyond the seas where the corps or unit, or any part thereof, to which for the time being he belongs, is serving or under orders to serve.

(2) The directions of such competent air-force authority, or an order of the removing authority issued in pursuance of such directions, shall be sufficient authority for the removal of such prisoner or airman from the prison or detention barrack in which he is confined, and for his conveyance in air-force custody to any place designated, and for his intermediate custody during such removal and conveyance.

(3) The competent air-force authority may further give directions for the discharge of the prisoner or airman either conditionally or unconditionally at any time while he is in air-force custody under this section.

(4) For the purposes of this section any one or more of the following authorities shall be the competent air-force authority:

(*a*) In the United Kingdom—
(i) The Air Council; and
(ii) Any other prescribed officer;
(*d*) In India or in a colony, the prescribed officer.

Commencement of term of penal servitude, imprisonment or detention.

68.—(1) The term of penal servitude, imprisonment, or detention to which a person is sentenced by a court-martial, whether the sentence has been revised or not, and whether the person is already undergoing sentence or not, shall be reckoned to commence on the day on which the original sentence and proceedings were signed by the president of the court-martial.

(2) An offender under this Act shall not be subject to imprisonment or detention for more than two consecutive years, whether under one or more sentences.

Miscellaneous.

Articles of War and Rules of Procedure.

Articles of War and Rules of Procedure.

Power of His Majesty to make Articles of War.

69. It shall be lawful for His Majesty to make Articles of War for the better government of officers and airmen, and such Articles shall be judicially taken notice of by all judges and in all courts whatsoever: Provided that no person shall, by such Articles of War, be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which does not accord with the provisions of this Act.

Power of His Majesty to make rules of procedure.

70.—(1) Subject to the provisions of this Act His Majesty may, by rules be signified under the hand of a Secretary of State, from time to time mak and when made repeal, alter, or add to, provisions in respect of the followin matters or any of them; that is to say,

(*a*) The assembly and procedure of courts of inquiry;
(*b*) The convening and constituting of courts-martial;
(*c*) The adjournment, dissolution, and sittings of courts-martial;
(*d*) The procedure to be observed in trials by court-martial;
(*e*) The confirmation and revision of the findings and sentences of cour martial, and enabling the authority having power under section fift seven of this Act to commute sentences to substitute a valid senten for an invalid sentence of a court-martial;
(*f*) The carrying into effect sentences of courts-martial;
(*g*) The forms of orders to be made under the provisions of this Act relati to courts-martial, penal servitude, imprisonment, or detention;
(*h*) Any matter in this Act directed to be prescribed;
(*i*) Any other matter or thing expedient or necessary for the purpose carrying this Act into execution so far as relates to the investigatio trial, and punishment of offences triable or punishable by court-marti under this Act.

(2) Provided always, that no such rules shall contain anything contra to or inconsistent with the provisions of this Act.

(3) All rules made in pursuance of this section shall be judicially noticed.

(4) All rules made in pursuance of this section shall be laid before Parliame as soon as practicable after they are made, if Parliament be then sitting, and Parliament be not then sitting, as soon as practicable after the beginning of t then next session of Parliament.

(5) The rules as to the procedure of courts of inquiry may provide for eviden being taken on oath and may empower courts of inquiry to administer oat for that purpose.

Command.

Command.

Removal of doubts as to command.

71.—(1) For the purpose of removing doubts as to the powers of comman vested or to be vested in officers and others belonging to His Majesty's force it is hereby declared that His Majesty may, in such manner as to His Majesty ma from time to time seem meet, make regulations as to the persons to be investe as officers, or otherwise, with command over His Majesty's forces, or any pa thereof, or any person belonging thereto, and as to the mode in which suc command is to be exercised: provided that command shall not be given to an person over a person superior in rank to himself.

(2) Nothing in this section shall be deemed to be in derogation of any powe otherwise vested in His Majesty.

Inquiry as to and Confession of Desertion.

Inquiry as to and Confession of Desertion.

Inquiry by court on absence airman.

72.—(1) When any airman has been absent without leave from his duty fo a period of twenty-one days, a court of inquiry may as soon as practicable b assembled, and inquire in the prescribed manner on oath or solemn declaratio (which such court is hereby authorised to administer) respecting the fact of suc absence and the deficiency (if any) in the arms, ammunition, equipments, instru ments, service necessaries, or clothing of the airman, and if satisfied of the fac of such airman having absented himself without leave or other sufficient cause the court shall declare such absence and the period thereof, and the said deficiency if any, and the commanding officer of the absent airman shall enter in the servic books a record of the declaration of such court.

(2) If the absent airman does not afterwards surrender or is not apprehended such record shall have the legal effect of a conviction by court-martial for desertion

Confession by airman of desertion or fraudulent enlistment.

73.—(1) Where an airman signs a confession that he has been guilty of desertion or of fraudulent enlistment, a competent air-force authority may, by the order dispensing with his trial by a court-martial, or by any subsequent order, award the same forfeitures and the same deductions from pay (if any) as a court-martial could award for the said offence, or as are consequential upon conviction by a court-martial for the said offence, except such of them as may be mentioned in the order.

(2) If upon any such confession, evidence of the truth or falsehood of such confession cannot then be conveniently obtained, the record of such confession, countersigned by the commanding officer of the airman, shall be entered in the service books, and such airman shall continue to do duty in the corps or unit in which he may then be serving, or in any other corps or unit to which he may be transferred, until he is discharged or transferred to the reserve, or until legal proof can be obtained of the truth or falsehood of such confession.

(3) The competent air-force authority for the purposes of this section means the Air Council, or any prescribed general officer.

Provost Marshal.

Provost Marshal.

Provost marshal.

74.—(1) For the prompt repression of all offences which may be committed abroad, provost marshals with assistants may from time to time be appointed by the general order of the general officer commanding a body of the air force.

(2) A provost marshal or his assistants may at any time arrest and detain for trial persons subject to this Act committing offences, and may also carry into execution any punishments to be inflicted in pursuance of a court-martial, but shall not inflict any punishment of his or their own authority:

Provided that a provost marshal and his assistants shall, as respects any airman in his or their custody and undergoing field punishment, have the same powers as the governor of an air-force prison.

Restitution of Stolen Property.

Restitution of Stolen Property.

Power as to restitution of stolen property.

75.—(1) Where a person has been convicted by court-martial of having stolen, embezzled, received, knowing it to be stolen, or otherwise unlawfully obtained, any property, and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of such court-martial, or the Air Council, may order the property so found to be restored to the person appearing to be the lawful owner thereof.

(2) A like order may be made with respect to any property found in the possession of such offender, which appears to the confirming authority or the Air Council to have been obtained by the conversion or exchange of any of the property stolen, embezzled, received, or unlawfully obtained.

(3) Moreover, where it appears to the confirming authority or the Air Council from the evidence given before the court-martial, that any part of the property stolen, embezzled, received, or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking in pawn the property, the authority or the Air Council may, on the application of that person, and on the restitution of the said property to the owner thereof, order that out of the money (if any) found in the possession of the offender, a sum not exceeding the amount of the proceeds of the said sale or pawning shall be paid to the said person purchasing or taking in pawn.

(4) An order under this section shall not bar the right of any person, other than the offender, or any one claiming through him, to recover any property or money delivered or paid in pursuance of an order under this section from the person to whom the same is so delivered or paid.

PART II.

ENLISTMENT.

Period of Service.

Period of Service.

Limit of original enlistment.

76. A person may be enlisted to serve His Majesty as an airman of the re air force for a period of twelve years, or for such less period as may be time to time fixed by His Majesty, but not for any longer period, and the p for which a person enlists is in this Act referred to as the term of his ori enlistment.

Terms of original enlistment.

77. The original enlistment of a person under this Act shall be as foll either—

(1) For the whole of the term of his original enlistment in air-force ser or

(2) For such portion of the term of his original enlistment as may be time to time fixed by the Air Council and specified in the attest paper, in air-force service, and for the residue of the said term i reserve.

Change of conditions of service.

78.—(1) The Air Council may from time to time, by general or special re tions, vary the conditions of service, so as to permit an airman of the regul force in air-force service, with their assent, either—

(*a*) To enter the reserve at once for the residue unexpired of the ter his original enlistment; or

(*b*) To extend his air-force service for all or any part of the residue unex of such term; or

(*c*) To extend the term of his original enlistment up to the period of t years, or any shorter period.

(2) The Air Council may from time to time, by general or special regulat vary the conditions of service so as to permit a man in the reserve, with assent, to re-enter upon air-force service for all or any part of the residue expired of the term of his original enlistment, or for any period of time no ceeding twelve years in the whole from the date of his original enlistment.

Reckoning and forfeiture of service.

79. In reckoning the service of an airman of the regular air force for the pur of discharge or of transfer to the reserve—

(1) The service shall begin to reckon from the date of his attestation;

(2) Where an airman of the regular air force has been guilty of any o following offences:—

(*a*) Desertion from His Majesty's service, or

(*b*) Fraudulent enlistment,

then either upon his conviction by court-martial of the offence, o having confessed the offence, he is liable to be tried) upon his trial dispensed with by order of the competent air-force authority, the of his prior service shall be forfeited, and he shall be liable to serve airman of the regular air force for the term of his original enlistm reckoned from the date of such conviction or such order dispensing trial, in like manner as if he had been originally attested at that

Provided that the Air Council may restore all or any part of the se forfeited under this section to any airman who may perform good and fai service, or may otherwise be deemed by the Air Council to merit such restor of service, or may be recommended for such restoration of service by a c martial.

Proceedings for Enlistment.

Proceedings for Enlistment.

80.—(1) Every person authorised to enlist recruits in the regular air force in this Act referred to as the "recruiter") shall give to every person offering to enlist a notice in the form for the time being authorised by the Air Council, stating the general requirements of attestation and the general conditions of the contract to be entered into by the recruit, and directing such person to appear before a justice of the peace either forthwith or at the time and place therein mentioned. Mode of enlistment and attestation.

(2) Upon the appearance before a justice of the peace of a person offering to enlist, the justice shall ask him whether he has been served with and understands the notice and whether he assents to be enlisted, and shall not proceed with the enlistment if he considers the recruit under the influence of liquor.

(3) If he does not appear before a justice, or on appearing does not assent to be enlisted, no further proceedings shall be taken.

(4) If he assents to be enlisted—

(*a*) The justice, after cautioning such person that if he makes any false answer to the questions read to him he will be liable to be punished as provided by this Act, shall read or cause to be read to him the questions set forth in the attestation paper for the time being authorised by the Air Council, and shall take care that such person understands each question so read, and after ascertaining that the answer of such person to each question has been duly recorded opposite the same in the attestation paper, shall require him to make and sign the declaration as to the truth of those answers set forth in the said paper, and shall then administer to him the oath of allegiance contained in the said paper:

(*b*) Upon signing the declaration and taking the oath, such person shall be deemed to be enlisted as an airman of His Majesty's regular air force:

(*c*) The justice shall attest by his signature, in manner required by the said paper, the fulfilment of the requirements as to attesting a recruit, and shall deliver the attestation paper, duly dated to the recruiter:

(*d*) The fee for the attestation of a recruit, and for all acts and things incidental thereto, shall be one shilling and no more, and shall be paid to the clerk of the justice:

(*e*) The officer who finally approves of a recruit for service shall, at his request furnish him with a certified copy of his attestation paper.

(5) The date at which the recruit signs the declaration and takes the oath in this section in that behalf mentioned shall be deemed to be the date of the attestation of such recruit.

(6) The competent air-force authority, if satisfied that there is any error in the attestation paper of a recruit, may cause the recruit to attend before some justice of the peace, and that justice, if satisfied that such error exists, and is not so material as to render it just that the recruit should be discharged, may amend the error in the attestation paper, and the paper as amended shall thereupon be deemed as valid as if the matter of the amendment had formed part of the original matter of such paper.

(7) Where the regulations of the Air Council under this part of this Act require duplicate attestation papers to be signed and attested, this section shall apply to both such duplicates, and in the event of any amendment of an attestation paper the amendment shall be made in both of the duplicate attestation papers.

81. If a recruit within three months after the date of his attestation pays for the use of His Majesty a sum not exceeding ten pounds, he shall be discharged with all convenient speed, unless he claims such discharge during a period when airmen in air-force service, who otherwise would be transferred to the reserve, are required by a proclamation of His Majesty in pursuance of this Act to continue Power of recruit to purchase discharge.

in air-force service, in which case he may be retained in His Majesty's serv during that period, and at the termination thereof shall, if he so require it, the payment then of the said sum, be discharged.

Appointment to Corps and Transfers.

Appointment to Corps and Transfers.

Enlistment for general service.

82. Recruits may, in pursuance of any general or special regulations from ti to time made by the Air Council, be enlisted for service in particular corps or u of the regular air force, but save as is provided by such regulations, if any, recr shall be enlisted for general service.

Re-engagement and Prolongation of Service.

Re-engagement and Prolongation of Service.

Re-engagement of airmen.

84.—(1) Subject to any general or special regulations from time to ti made by the Air Council, an airman of the regular air force, if in air-force serv and after the expiration of nine years from the date of his original term of enl ment, may on the recommendation of his commanding officer, and with approval of the competent air-force authority, be re-engaged for such furt period of air-force service as will make up a total continuous period of twenty- years of air-force service, reckoned from the date of his attestation, and inclus of any period previously served in the reserve.

(2) An airman of the regular air force during his period of re-engagement sh be liable to forfeit his previous service during such period of re-engagement like manner, as he is liable under this part of this Act during the term of original enlistment.

(3) An airman of the regular air force who so re-engages shall make bef his commanding officer a declaration in accordance with the said regulations

Continuance of service after 21 years' service.

85. An airman of the regular air force who has completed, or will within year complete, a total period of twenty-one years' service, inclusive of any per served in the reserve, may give notice to his commanding officer of his desire continue in His Majesty's service in the regular air force; and if the compet air-force authority approve he may be continued as an airman of the regu air force in the same manner in all respects as if his term of service were s unexpired, except that he may claim his discharge at the expiration of any per of three months after he has given notice to his commanding officer of his w to be discharged.

Re-engagement and continuance of service of non-commissioned officers.

86. The regulations from time to time made in pursuance of this part of t Act may, if it seems expedient, provide that a non-commissioned officer of regular air force who extends his air-force service for the residue unexpired of original term of enlistment shall have the right at his option to re-engage, un section eighty-four, and to continue his service, under section eighty-five of t Act, or to do either of such things, subject nevertheless to the veto of the Council or other authority mentioned in the regulations, and to such oth conditions as are specified in the regulations.

Prolongation of service in certain cases.

87.—(1) Where the time at which an airman of the regular air force wou otherwise be entitled to be discharged occurs while a state of war exists betwe His Majesty and any foreign power, or while such airman is on service beyo the seas, or while airmen in the reserve are required by proclamation, in pursuan of the enactments relating to the calling out of the reserve on permanent servi to continue in or re-enter upon air-force service, the airman may be detained, a his service may be prolonged for such further period not exceeding twelve mont as the competent air-force authority may order; but at the expiration of t period, or any earlier period at which the competent air-force authority consid his services can be dispensed with, the airman shall, as provided by this A be discharged with all convenient speed.

(2) Where the time at which an airman of the regular air force would otherwise be entitled to be transferred to the reserve occurs while a state of war exists between His Majesty and any foreign power, the airman may be detained in air-force service for such further period, not exceeding twelve months, as the competent air-force authority may order, but at the expiration of that period, or any earlier period at which the competent air-force authority considers his services can be dispensed with, the airman shall with all convenient speed be sent to the United Kingdom for the purpose of being transferred to the reserve.

(3) If an airman required under this section to be discharged or sent to the United Kingdom desires, while a state of war exists between His Majesty and any foreign power, to continue in His Majesty's service, and the competent air-force authority approve, he may agree to continue as an airman of the regular air force in the same manner in all respects as if his term of service were still unexpired, except that he may claim his discharge at the end of such state of war, or, if it is so provided by such agreement, at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

(4) An airman who so agrees to continue shall make before his commanding officer a declaration in accordance with any general or special regulations from time to time made by the Air Council.

In imminent national danger, His Majesty may continue airmen in air-force service or call our reserve for permanent service.

88.—(1) It shall be lawful for His Majesty in Council in case of imminent national danger or of great emergency, by proclamation, the occasion being first communicated to Parliament if Parliament be then sitting, or if Parliament be not then sitting declared by the proclamation, to order that the airmen who would otherwise be entitled in pursuance of the terms of their enlistment to be transferred to the reserve shall continue in air-force service.

(2) It shall be lawful for His Majesty by any such proclamation to order the Air Council from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for causing all or any of the airmen mentioned in the proclamation to continue in air-force service.

(3) Every airman for the time being required by or in pursuance of such directions to continue in air-force service shall continue to serve in air-force service for the same period for which he might be required to serve, if he had been transferred to the reserve and called out for permanent service by a proclamation of His Majesty under the enactment relating to the reserve.

(4) Any man who has entered the reserve in pursuance of the terms of his enlistment may be called out for permanent service by a proclamation of His Majesty under the enactments relating to the calling out of the reserve on permanent service.

Discharge and Transfer to Reserve Force.

Discharge and Transfer to Reserve Force.

Transfer of airmen to reserve when corps or units ordered abroad.

89. In the following cases; that is to say,

(1) Where an airman of the regular air force has been invalided from service beyond the seas; or

(2) Where a corps or unit to which an airman of the regular air force belongs, or the part thereof in which he is serving, is ordered on service beyond the seas, and the airman is either unfit for such service by reason of his health, or is within two years of the end of the period of his air-force service in the terms of his original enlistment,

the competent air-force authority may by order transfer him to the reserve in like manner as if the period of his actual service were specified in his attestation paper as the portion of the term of his original enlistment which was to be spent in air-force service.

Discharge or transfer to reserve.

90.—(1) Save as otherwise provided by this Act or the Acts relating to th air-force reserve, every airman of the regular air force, upon the completion the term of his original enlistment, or of the period of his re-engagement, shall discharged with all convenient speed, but until so discharged shall be subject this Act as an airman of the regular air force.

(2) Where an airman of the regular air force enlisted in the United Kingdo is, when entitled to be discharged, serving beyond the seas, he shall, if he requires, be sent to the United Kingdom, and in such case shall, with all co venient speed, be sent there free of expense, and on his arrival be discharge If such airman is permitted, at his request, to stay at the place where he is servi he shall not afterwards have any claim to be sent at the public expense to t United Kingdom or elsewhere.

(3) Every airman of the regular air force upon the completion of the peri of his air-force service, if shorter than the term of his original enlistment, shall transferred to the reserve, but until so transferred shall be subject to this A as an airman of the regular air force.

(4) Where an airman of the regular air force, when entitled to be transferr to the reserve, is serving beyond the seas, he shall be sent to the United Kingdo free of expense with all convenient speed, and on his arrival shall be transfer to the reserve.

(5) An airman of the regular air force who is discharged on the completi of the term of his original enlistment or his re-engagement, as mentioned in t second subsection of this section, or is transferred to the reserve, shall be entitl to be conveyed free of cost from the place in the United Kingdom where he discharged or transferred to the place in which he appears from his attestati paper to have been attested, or to any place at which he may at the time of discharge or transfer decide to take up his residence, and to which he can conveyed without greater cost. Provided that in the case of transfer to t reserve he shall not be entitled to be so conveyed to any place out of the Unit Kingdom.

Delivery of lunatic airman on discharge with his wife or child at workhouse or of dangerous lunatic at asylum.

91.—(1) The Air Council or any officer deputed by them for the purpo may, if they or he think proper, on account of an airman's lunacy, cause a airman of the regular air force on his discharge, and his wife and child, or any them, to be sent to the parish or union to which under the statutes for the ti being in force he appears, from the statements made in his attestation paper a other available information to be chargeable; and such airman, wife, or chi if delivered after reasonable notice, in England or Ireland at the workhouse which persons settled in such parish or union are received, and in Scotland the inspector of poor of such parish, shall be received by the master or oth proper officer of such work-house or such inspector of poor, as the case may be.

(2) Provided that the Air Council, or any officer deputed by them for t purpose, where it appears to them or him that any such airman is a dangero lunatic, and is in such a state of health as not to be liable to suffer bodily or ment injury by his removal, may, by order signified under their or his hand, send su lunatic direct to an asylum, registered hospital, licensed house, or other place which pauper lunatics can legally be confined, and for the purpose of the sa order the above-mentioned parish or union shall be deemed to be the pari or union from which such lunatic is sent.

(3) In England the lunatic shall be sent to the asylum, hospital, house, place to which a person in the workhouse aforesaid, on becoming a dangero lunatic, can by law be removed, and an order of the Air Council or officer und this section shall be of the same effect as a summary reception order within t meaning of the Lunacy Act, 1890, and the like proceedings shall be taken there as on an order under that Act.

(4) The Air Council or officer, before making the said order in respect of lunatic who is liable to be delivered to the inspector of poor of a parish in Scotla

may require the inspector of poor of that parish to specify the asylum to which such lunatic if in the parish would be sent, and it shall be the duty of such inspector forthwith to specify such asylum, and thereupon the Air Council or officer may make the said order for sending the lunatic to that asylum, and such order shall be of the same effect as an order by the sheriff within the meaning of section fifteen of the Lunacy (Scotland) Act, 1862, and the like proceedings shall be taken thereon as on an order under that section. 25 & 26 Vict. c. 54.

(5) In the case of any such lunatic, who is liable to be delivered at a workhouse in Ireland at which persons settled in the said union are received, the Air Council or any officer deputed by them for the purpose may, by order under their or his hand, send such lunatic to the asylum of the district in which such union is situate, and such order shall be of the same effect as a warrant under the hands and seals of two justices given under the provisions of the tenth section of the Act of the session of the thirtieth and thirty-first years of the reign of Her late Majesty, chapter one hundred and eighteen, intituled "An Act to provide for the "appointment of the officers and servants of district lunatic asylums in Ireland, "and to alter and amend the law relating to the custody of dangerous lunatics "and dangerous idiots in Ireland."

Regulations as to discharge of airmen.

92.—(1) An airman of the regular air force shall not be discharged from that force, unless by sentence of court-martial with ignominy, or by order of the competent air-force authority, or by authority direct from His Majesty, and until duly discharged in manner provided by this Act and by regulations of the Air Council under this Act shall be subject to this Act.

(2) To every airman of the regular air force who is discharged, for whatever reason he is discharged, there shall be given a certificate of discharge, stating such particulars as may be from time to time required by regulations of the Air Council under this Act.

Authorities to enlist and attest Recruits.

Authorities to enlist and attest Recruits

Regulations as to persons to enlist and enlistment of airmen.

93. The Air Council may from time to time make, and when made, revoke and alter a general or special order making such regulations, giving such directions, and issuing such forms as they may think necessary or expedient respecting the persons authorised to enlist recruits for His Majesty's regular air force, and for the purpose of such enlistment, and generally for carrying this part of this Act into effect; and any such order shall be of the same effect as if enacted in this Act.

Justices of the peace for the purposes of enlistment.

94. For the purposes of the attestation of airmen in pursuance of this part of this Act—

An officer in the United Kingdom or elsewhere, if authorised in that behalf under the regulations of the Air Council, also every person exercising the office of a magistrate in India or a colony, and also each of the following persons, shall have the authority of a justice of the peace, and be deemed to be included in the expression "justice of the peace" wherever used in this part of this Act in relation to the attestation of airmen; that is to say,—

In India, any person duly authorised in that behalf by the Governor-General; and in the territories of any native state in India, the person performing the duties of the office of British resident or political agent therein, or any other person authorised in that behalf by the Governor-General of India; and

In a colony, any person duly authorised in that behalf by the governor of the colony; and

Beyond the limits of the United Kingdom, India, and a colony, any British consul general, consul, or vice-consul, or person duly exercising the authority of a British consul.

Special Provisions as to Persons to be enlisted.

Special Provisions as to Persons to be enlisted.

Enlistment of aliens, negroes, &c.

95.—(1) Any person who is for the time being an alien may, if His Majes think fit to signify his consent through a Secretary of State, be enlisted in H Majesty's regular air force, so however, that the number of aliens serving toget at any one time in any corps or unit of the regular air force, shall not exce the proportion of one alien to every fifty British subjects, and that an alien enlisted shall not be capable of holding any higher rank in His Majesty's regu air force than that of a warrant officer or non-commissioned officer.

(2) Provided that notwithstanding the above provisions of this section a inhabitant of any British protectorate and any negro, or person of colour, althou an alien, may voluntarily enlist in pursuance of this part of this Act, and when enlisted, shall while serving in His Majesty's regular air force, be deemed to entitled to all the privileges of a natural-born British subject.

Claims of masters to apprentices.

96. The master of an apprentice in the United Kingdom who has been attest as an airman of the regular air force may claim him while under the age of twent one years as follows, and not otherwise:—

(1) The master, within one month after the apprentice left his service, m take before a justice of the peace the oath in that behalf specified in t First Schedule to this Act, and obtain from the justice a certific of having taken such oath, which certificate the justice shall give in t form in the said schedule, or to the like effect:

(2) A court of summary jurisdiction within whose jurisdiction the apprent may be, if satisfied on complaint by the master that he is entitled have the apprentice delivered up to him, may order the officer un whose command the apprentice is to deliver him to the master, but satisfied that the apprentice stated on his attestation that he was an apprentice, may, and if required by or on behalf of the said co manding officer, shall, try the apprentice for the offence of maki such false statement, and if need be may adjourn the case for the purpo

(3) Except in pursuance of an order of a court of summary jurisdiction, apprentice shall not be taken from His Majesty's service:

(4) An apprentice shall not be claimed in pursuance of this section unl he was bound for at least four years by a regular indenture, and w under the age of sixteen years when so bound:

(5) A master who gives up the indenture of his apprentice within one mon after the attestation of such apprentice shall be entitled to receive his own use so much of the bounty (if any) payable to such apprenti on enlistment as has not been paid to the apprentice before notice w given of his being an apprentice.

Application of apprentice provisions to indentured labourers.

97. The provisions of this part of this Act with respect to apprentices sh apply to a person who at the time of his attestation is an indentured labourer a colony, with these qualifications, that such indentured labourer, if import at the expense of the employer or of the colony in consideration of the indentu under which he is serving, may be claimed although above the age of twent one years, and though bound for a less period or at an older age than is abo specified.

Offences as to Enlistment.

Offences as to Enlistment.

Penalty on unlawful recruiting.

98. If a person without due authority—

(1) Publishes or causes to be published notices or advertisements for t purpose of procuring recruits for His Majesty's regular air force, or relation to recruits for such force; or

(2) Opens or keeps any house, place of rendezvous, or office as connecte with the recruiting of such force; or

(3) Receives any person under any such advertisement as aforesaid; or

(4) Directly or indirectly interferes with the recruiting service of such for

he shall be liable on summary conviction to a fine not exceeding twenty pound

Recruits punishable for false answers.

99.—(1) If a person knowingly makes a false answer to any question contained in the attestation paper, which has been put to him by or by direction of the justice before whom he appears for the purpose of being attested, he shall be liable on summary conviction to be imprisoned with or without hard labour for any period not exceeding three months.

(2) If a person guilty of an offence under this section has been attested as an airman of the regular air force, he shall be liable, at the discretion of the competent air-force authority, to be proceeded against before a court of summary jurisdiction, or to be tried by court-martial for the offence.

Miscellaneous as to Enlistment.

Miscellaneous as to Enlistment.

Validity of attestation and enlistment or re-engagement.

100.—(1) Where a person after his attestation on his enlistment or the making of his declaration on re-engagement, has received pay as an airman of the regular air force during three months, he shall be deemed to have been duly attested and enlisted or duly re-engaged, as the case may be, and shall not be entitled to claim his discharge on the ground of any error or illegality in his enlistment, attestation, or re-engagement, or on any other ground whatsoever, save as authorised by this Act, and, if within the said three months such person claims his discharge, any such error or illegality or other ground shall not, until such person is discharged in pursuance of his claim, affect his position as an airman in His Majesty's service, or invalidate any proceedings, act, or thing taken or done prior to such discharge.

(2) Where a person is in pay as an airman in any corps or unit of His Majesty's regular air force, such person shall be deemed for all the purposes of this Act to be an airman of the regular air force, with this qualification, that he may at any time claim his discharge, but until he so claims and is discharged in pursuance of that claim, he shall be subject to this Act as an airman of the regular air force legally enlisted and duly attested under this Act.

(3) Where a person claims his discharge on the ground that he has not been attested or re-engaged, or not duly attested or re-engaged, his commanding officer shall forthwith forward such claim to the competent air-force authority, who shall as soon as practicable submit it to the Air Council, and if the claim appears well grounded the claimant shall be discharged with all convenient speed.

Definition for purposes of Part Two of competent air-force authority and reserve.

101.—(1) Any act authorised or required by this part of this Act to be done by, to, or before the competent air-force authority, may be done by, to, or before the Air Council, or any officer prescribed in that behalf.

(2) For the purposes of this part of this Act the expression "reserve" means the air force reserve.

Billeting of Officers and Airmen.

PART III.

BILLETING AND IMPRESSMENT OF CARRIAGES.

Billeting of Officers and Airmen.

Suspension of 3 Chas. 1 c. 1; 31 Chas. 2. c. 1, 6 Anne (I.), c. 14, as to billeting.

102. During the continuance in force of this Act, so much of any l prohibits, restricts, or regulates the quartering or billeting of officers and s on any inhabitant of this realm without his consent is hereby suspended, as such quartering or billeting is authorised by this Act.

Obligation of constable to provide billets for officers, airmen, and horses.

103.—(1) Every constable for the time being in charge at any place United Kingdom mentioned in the route issued to the commanding offi any portion of His Majesty's regular air force shall, on the demand o commanding officer, or of an officer or airman authorised by him, and on prod of such route, billet on the occupiers of victualling houses and other pr specified in this Act as victualling houses in that place such number of o airmen, and horses entitled under this Act to be billeted as are mentioned route and stated to require quarters.

(2) A route for the purposes of this part of this Act shall be issued und authority of His Majesty, signified through a Secretary of State, and shall the forces to be moved in pursuance of the route, and that statement s signed by such officer as the Air Council may from time to time order i behalf.

(3) A route purporting to be issued and signed as required by this s shall be evidence, until the contrary is proved, of its having been duly issu signed in pursuance of this Act, and if delivered to an officer or airman commanding officer, shall be a sufficient authority to such officer or airm demand billets, and when produced by an officer or airman to a constable be conclusive evidence to such constable of the authority of the officer or a producing the same to demand billets in accordance with such route.

Liability to provide billets.

104.—(1) The provisions of this part of this Act with respect to victu houses shall extend to all inns, hotels, livery stables, or alehouses, also houses of sellers of wine by retail, whether British or foreign, to be drunk i own houses or places thereunto belonging, and to all houses of persons brandy, spirits, strong waters, cider, or metheglin by retail; and the occu a victualling house, inn, hotel, livery stable, alehouse, or any such ho aforesaid shall be subject to billets under this Act, and is in this Act in under the expression "keeper of a victualling house," and the inn, hotel, stables, and premises of such occupier are in this Act included under the exp "victualling house."

(2) Provided that an officer or airman shall not be billeted—

(*a*) In any private house; nor

(*b*) In any canteen held or occupied under the authority of a Secret State; nor

(*c*) On persons who keep taverns only, being vintners of the City of L admitted to their freedom of the said company in right of patr or apprenticeship, notwithstanding the persons who keep such t have taken out licences for the sale of any intoxicating liquor; n

(*d*) In the house of any distiller kept for distilling brandy and strong so as such distiller does not permit tippling in such house; nor

(*e*) In the house of any shopkeeper whose principal dealing is more in goods and merchandise than in brandy and strong waters, so a shopkeeper does not permit tippling in such house; nor

(*f*) In a house of a person licensed only to sell beer or cider not to be con on the premises; nor

(*g*) In the house of residence of any foreign consul duly accredited as

Officers, airmen, and horses entitled to be billeted.

105.—(1) All officers and airman of His Majesty's regular air force; and

(2) All horses belonging to His Majesty's regular air force; and

(3) All horses belonging to the officers of such force for which forage is for the time being allowed by His Majesty's regulations,

all be entitled to be billeted.

Accommodation and payment on billet.

106.—(1) The keeper of a victualling house upon whom any officer, airman, horse is billeted shall receive such officer, airman, or horse in his victualling puse, and furnish there the accommodation following; that is to say, lodging ad attendance for the officer; and lodging, attendance, and food for the airman; ad stable room and forage for the horse, in accordance with the provisions of e Second Schedule to this Act.

(2) Where the keeper of a victualling house on whom any officer, airman, or orse is billeted desires, by reason of his want of accommodation or of his ictualling house being full or otherwise, to be relieved from the liability to ceive such officer, airman, or horse in his victualling house, and provides for ch officer, airman, or horse in the immediate neighbourhood such good and fficient accommodation as he is required by this Act to provide, and as is pproved by the constable issuing the billets, he shall be relieved from providing he same in his victualling house.

(3) There shall be paid to the keeper of a victualling house for the accommodaon furnished by him in pursuance of this Act the prices for the time being uthorised in this behalf by Parliament as respects the Army.

(4) An officer or airman demanding billets in pursuance of this Act shall, efore he departs, and if he remains longer than four days, at least once in every our days, pay the just demands of every keeper of a victualling house on whom e and any officers and airmen under his command, and his or their horses (if ny) have been billeted.

(5) If by reason of a sudden order to march, or otherwise, an officer or airman not able to make such payment to any keeper of a victualling house as is above equired, he shall before he departs make up with such keeper of a victualling ouse an account of the amount due to him, and sign the same, and forthwith ransmit the account so signed to the Air Council who shall forthwith cause the mount named in such account as due to be paid.

Annual list of keepers of victualling houses liable to billets.

107.—(1) The police authority for any place may cause annually a list to be made out of all keepers of victualling houses within the meaning of this Act in such place, or any particular part thereof, liable to billets under this Act, specifying the situation and character of each victualling house, and the number of airmen and horses who may be billeted on the keeper thereof.

(2) The police authority shall cause such list to be kept at some convenient place open for inspection at all reasonable times by persons interested, and any person who feels aggrieved either by being entered in such list, or by being entered to receive an undue proportion of officers, airmen, or horses, may complain to a court of summary jurisdiction, and the court, after such notice as the court think necessary to persons interested, may order the list to be amended in such manner as the court may think just.

Regulations as to grant of billets.

108. The following regulations shall be observed with respect to billeting in pursuance of this Act; that is to say,—

(1) No more billets shall at any time be ordered than there are effective officers, airmen, and horses present to be billeted:

(2) All billets, when made out by the constable, shall be delivered into the hands of the commanding officer or non-commissioned officer who demanded the billets, or of some officer authorised by such commanding officer:

(3) If a keeper of a victualling house feels aggrieved by having an un proportion of officers, airmen, or horses billeted on him, he may ap to a justice of the peace, or if the billets have been made out by a just may complain to a court of summary jurisdiction, and the justice court may order such of the officers, airmen, or horses to be remo and to be billeted elsewhere as may seem just:

(4) A constable having authority in a place mentioned in the route may for the purposes of billeting in any locality within one mile from s place, unless some constable ordinarily having authority in such loca is present and undertakes to billet therein the due proportion of offic airmen, and horses:

(5) The regulations with respect to billets contained in the Second Sche to this Act shall be duly observed by the constable:

(6) A justice of the peace on the request of an officer or non-commissio officer authorised to demand billets, may vary a route by adding a place or omitting any place, and also may direct billets to be gi above one mile from a place mentioned in the route:

(7) A justice of the peace may require a constable to give an account writing of the number of officers, airmen, and horses billeted by s constable, together with the names of the keepers of victualling hou on whom such officers, airmen, and horses are billeted, and the loca of such victualling houses.

Billeting in cases of emergency.

108A.—(1) Where directions have been given for embodying all or any p of the Territorial Force, His Majesty by Order distinctly stating that a cas emergency exists, and signified by a Secretary of State, and also in Ireland Lord Lieutenant by a like Order, signified by the Chief Secretary or Un Secretary, may authorise any general or field officer commanding any part His Majesty's air force in any district or place in the United Kingdom, to is a billeting requisition under this section.

(2) Any officer so authorised may issue a billeting requisition under his h reciting the said Order and requiring chief officers of police to provide billet such places and for such number of officers and airmen, and their horses, and such period, as may be specified in the requisition.

(3) The provisions of this Act as to billeting shall apply to billeting un such a requisition as if for references therein to a route there were substitu references to such a requisition, subject, however, to the following modificatio

(*a*) The occupiers of all public buildings, dwelling-houses, warehouses, ba and stables shall, as well as the keepers of victualling houses, be lia to billets, and the said provisions shall apply as if references to victuall houses and the keepers of victualling houses included references to s public buildings, dwelling-houses, warehouses, barns, and stables, a the occupiers thereof:

(*b*) The powers and duties conferred or imposed on constables shall exercised and performed by the chief officers of police, and accordin for references to constables in the said provisions there shall be substitu references to the chief officers of police, and for the reference to a just of the peace in subsection (7) of section one hundred and eight th shall be substituted a reference to a court of summary jurisdiction, a chief officer of police in selecting the persons required to prov billets, and in determining the number of officers and airmen to billeted on any person shall, so far as practicable, have regard to t convenience of the several occupiers, and shall act in accordance w any general instructions which may have been issued by the pol authority:

(*c*) The prices to be paid to an occupier other than the keeper of a victuall house for accommodation furnished, and food and fodder supplied

him shall be such as may be fixed by regulations made by the Air Council with the consent of the Treasury:

(*d*) Subsection (2) of section one hundred and three (which defines a route), paragraph (6) of section one hundred and eight (which relates to the power of a justice to vary a route) and so much of paragraph (2) of Part I. of the Second Schedule to this Act as limits the period during which meals are required to be furnished, and paragraph (2) of Part II. of that Schedule (which requires billets to be made out to the less distant victualling houses) shall not apply.

(4) Any regulations as to prices so made shall be laid before each House of Parliament as soon as may be after they are made, and if within forty days after they have been so laid either House presents an address to His Majesty praying that any such regulations may be annulled, His Majesty may thereupon by Order in Council annul the same, and the regulation so annulled shall thenceforth become void without prejudice to anything done thereunder in the meantime.

(5) For the purposes of this section—

The expression "public building" includes any building wholly or partially provided or maintained out of the rates, and any building to which the public habitually have access, whether on payment or otherwise;

The expression "chief officer of police"

(*a*) As respects the City of London, means the Commissioner of City Police, and elsewhere in England has the same meaning as in the Police Act, 1890; 53 & 54 Vict. c. 45.

(*b*) In Scotland has the same meaning as in the Police (Scotland) Act, 1890; 53 & 54 Vict. c. 67.

(*c*) As respects the police district of Dublin metropolis, means the Chief Commissioner of Police for that district, and elsewhere means a county inspector of the Royal Irish Constabulary.

In the case of unoccupied premises this section shall apply as if the owner were the occupier thereof.

(6) Compensation shall be paid by the Air Council out of money voted by Parliament for air-force services in respect of any damage caused by any officer or airman billeted under this section to the premises in which he is billeted, and the amount of such compensation shall in the event of disagreement be determined—

(*a*) In England by arbitration under the Arbitration Act, 1889; 52 & 53 Vict. c. 49.

(*b*) In Scotland in the same manner as a question of disputed compensation under subsection (10) of section twenty-five of the Local Government (Scotland) Act, 1894; 57 & 58 Vict. c. 58.

(*c*) In Ireland by arbitration under the Common Law Procedure Amendment Act (Ireland), 1856, as amended by any subsequent enactment. 19 & 20 Vict. c. 102

Offences in relation to Billeting.

Offences in relation to Billeting.

109. If a constable commits any of the offences following; that is to say,— Offences by constables.

(1) Billets any officer, airman, or horse, on any person not liable to billets without the consent of such person; or

(2) Receives, demands, or agrees for any money or reward whatsoever to excuse or relieve a person from being entered in a list as liable, or from his liability to billets, or from any part of such liability; or

(3) Billets or quarters on any person or premises, without the consent of such person or the occupier of such premises, any person or horse not entitled to be billeted; or

(4) Neglects or refuses after sufficient notice is given to give billets demanded for any officer, airman, or horse entitled to be billeted;

he shall, on summary conviction, be liable to a fine of not less than forty shillings and not exceeding ten pounds.

Offences by keepers of victualling houses.

110. If a keeper of a victualling house commits any of the offences follow that is to say,

(1) Refuses or neglects to receive any officer, airman, or horse billeted him in pursuance of this Act, or to furnish such accommodation required by this Act; or

(2) Gives or agrees to give any money or reward to a constable to excu relieve him from being entered in a list as liable, or from his liabilit billets, or any part of such liability; or

(3) Gives or agrees to give to any officer or airman billeted upon hi pursuance of this Act any money or reward in lieu of receiving an of airman, or horse, or furnishing the said accommodation;

he shall, on summary conviction, be liable to a fine of not less than forty shil and not exceeding five pounds.

Offences by officers or airmen

111.—(1) If any officer quarters or causes to be billeted any officer, air or horse, otherwise than is allowed by this Act upon any person, he shall be g of a misdemeanour.

(2) If any officer or airman commits any offence in relation to billetin which he is liable to be punished under Part I. of this Act, other than an of in respect of which any other remedy is given by this Part of this Act t person aggrieved, he shall, upon summary conviction, be liable to a fine exceeding fifty pounds.

(3) A certificate of a conviction for an offence under this section sha transmitted by the court making such conviction to the Air Council.

Impressment of Carriages.

Impressment of Carriages, &c.

Supply of carriages, &c. for regimental baggage and stores on the march.

112.—(1) Every justice of the peace in the United Kingdom having jurisdi in any place mentioned in a route issued to the commanding officer of any po of His Majesty's regular air force shall, on the demand of such commanding of or of an officer or non-commissioned officer authorised by him, and on produ of such route, issue his warrant requiring some constable or constables ha authority in such place to provide, within a reasonable time to be name the warrant, such carriages, animals, and drivers as are stated to be require the purpose of moving the service baggage and service stores of the f mentioned in the route in accordance with the route; and the constab constables shall execute such warrant, and persons having carriages and ani suitable for the said purpose shall, when ordered by a constable in pursuan such warrant, furnish the same in a state fit for use for the aforesaid purp

(2) The route for the purpose of this section shall be such route as is menti in the foregoing provisions of this part of this Act with respect to billetin

(3) A route purporting to be issued and signed as required by those provis if delivered to an officer or non-commissioned officer by his commanding of shall be a sufficient authority to such officer or non-commissioned officer to dem carriages and animals in pursuance of this Act, and when produced by an of or non-commissioned officer shall be conclusive evidence to a justice and cons of the authority of the officer or non-commissioned officer producing the san demand carriages and animals in accordance with such route.

(4) The warrant ordering carriages, animals and drivers to be provided s specify the number and description of the carriages, and also the places from to which the same are to travel, and the distances between such places.

(5) When sufficient carriages or animals cannot be procured within jurisdiction of the said justice, any justice having jurisdiction in the next adjoi place shall, by a like course of proceeding, supply the deficiency.

(6) A fee of one shilling and no more shall be paid for the warrant by officer or non-commissioned officer applying for the same and shall be pai the clerk of the justice.

113.—(1) There shall be paid in respect of the carriages and animals furnished pursuance of this part of this Act the rates specified in the Third Schedule to s Act, and the regulations contained in that schedule with respect to the riages and animals furnished shall be duly observed. Payment for and regulations as to carriages, animals, &c.

(2) The following authorities; that is to say,

(*a*) In England the court of general or quarter sessions of a county or of a borough subject to the Municipal Corporations Act, 1882; and

(*b*) In Scotland, the commissioners of supply of a county, or the magistrates of a Royal or Parliamentary burgh; and 45 & 46 Vict. c. 50.

(*c*) In Ireland, the grand jury for a county, a county of a city, a county of a town and city, or a city or town and county, also any council of any such county, town or city having by law the fiscal powers of a grand jury,

ay from time to time, as respects places within their jurisdiction, by order rease the rates authorised in the said schedule by such amount in respect of ch rate, not exceeding one third, as may seem reasonable, and the amount of ch increase shall be notified in writing by the justice granting a warrant in rsuance of this Act to the person demanding the warrant.

(3) The order shall specify the average price of hay and oats at the nearest arket town at the time of fixing such increased rates, and the order shall not in force for more than ten days beyond the next meeting of such authority, it may be renewed from time to time by a fresh order or orders, and while in rce shall have effect as part of the said schedule.

(4) A copy of every such order, duly authenticated, shall be transmitted to e Air Council within three days after the making thereof.

(5) The officer or non-commissioned officer who demands carriages or animals pursuance of this part of this Act shall pay the sums due in respect of the me to the owners or drivers of the carriages or animals, and one third part of ch payment shall in each case, if required, be made before the carriage is loaded; d such payments shall be made, if required, in the presence of a justice or nstable.

(6) If an officer or non-commissioned officer is from any cause unable to pay e amount due to the owner or driver of any carriage or animal, he shall make with such owner or driver and sign an account of the amount due to him, d forthwith transmit the account so signed to the Air Council, who shall forth-ith cause the amount named therein to be paid to such owner or driver.

114.—(1) The authority hereinafter mentioned for any place may cause nually a list to be made out of all persons in such place, or any particular rt thereof, liable to furnish carriages and animals and aircraft under is Act, and of the number and description of the carriages and animals and rcraft of such persons; and where a list is so made, any justice may by warrant quire any constable or constables having authority within such place to give om time to time, on demand by an officer or non-commissioned officer under is Act, orders to furnish carriages and animals, and such warrant shall be ecuted as if it were a special warrant issued in pursuance of this Act on such mand, and the orders shall specify the like particulars as such special warrant: Annual list of persons liable to supply carriages, animals, and aircraft.

Provided that if in any year a list of carriages and animals is made out under ction one hundred and fourteen of the Army Act, a list of carriages and animals all not be made out under this section, but the list so made out shall have effect if it had been made out under this section as well as under the said section the Army Act.

(1A) For the purpose of assisting the authority hereinafter mentioned in the reparation of such list as aforesaid, any proper officer authorised in that behalf the authority shall be entitled at all reasonable times to enter any premises which he has reason to believe that any carriages or animals or aircraft are ept, and to inspect any carriages or animals or aircraft which may be found herein.

If any such officer so authorised is obstructed in the exercise of his po
under this provision, a justice of the peace may, if satisfied by information
oath that the officer has been so obstructed, issue a search warrant authori
the constable named therein, accompanied by the officer, to enter the prem
in respect of which the obstruction took place at any time between six o'c
in the morning and nine o'clock in the evening, and to inspect any carriage
animals or aircraft that may be found therein.

In this provision the expression " proper officer " means any officer or pe
of such rank, class, or description as may be specified in an order of the
Council made for the purpose.

(2) The authority hereinafter mentioned shall cause such list to be kep
some convenient place open for inspection at all reasonable times by pers
interested, and any person who feels aggrieved either by being entered in
list, or by being entered to furnish any number or description of carriage
animals which he is not liable to furnish, may complain to a court of summ
jurisdiction, and the court, after such notice as the court think necessary
persons interested, may order the list to be amended in such manner as the c
may think just.

(3) All orders given by constables for furnishing carriages and animals sh
as far as possible, be made from such list in regular rotation.

(4) The authority for the purposes of this section shall be the police autho

Supply of carriages, vessels, &c., in case of emergency.

115.—(1) His Majesty by order, distinctly stating that a case of emerge
exists, and signified by a Secretary of State, and also in Ireland the L
Lieutenant by a like order, signified by the Chief Secretary or Under Secret
may authorise any general or field officer commanding His Majesty's reg
air force in any district or place in the United Kingdom to issue a requisition u
this section (hereinafter referred to as a requisition of emergency).

(2) The officer so authorised may issue a requisition of emergency under
hand reciting the said order, and requiring justices of the peace to issue t
warrants for the provision, for the purpose mentioned in the requisition, of s
carriages and animals as may be provided under the foregoing provisions,
also of carriages of every description (including motor cars and other locomoti
whether for the purpose of carriage or haulage), and of horses of every descripti
whether kept for saddle or draught, and also of vessels (whether boats, bar
or other) used for the transport of any commodities whatsoever upon any ca
or navigable river, and also of aircraft of every description and also of fo
forage, and stores of every description.

(3) A justice of the peace, on demand by an officer of the portion of
Majesty's forces mentioned in a requisition of emergency, or by an officer of
Air Council authorised in this behalf, and on production of the requisition, sh
issue his warrant for the provision of such carriages, animals, vessels, aircra
food, forage and stores as are stated by the officer producing the requisition
emergency to be required for the purpose mentioned in the requisition; t
warrant shall be executed in the like manner, and all the provisions of this A
as to the provision or furnishing carriages and animals, including those respecti
fines on officers, non-commissioned officers, justices, constables, or owners
carriages or animals, shall apply in like manner as in the case where a just
issues, in pursuance of the foregoing provisions of this Act, a warrant for t
provision of carriages and animals, and shall apply to vessels, aircraft, food, for
and stores, in like manner in all respects as they apply to carriages.

(3A) A requisition of emergency may authorise any officer mentioned ther
to require any carriages and horses furnished in pursuance of this section to
delivered at such place (not being more than one hundred miles in the case o
motor car or other locomotive, and not being more than ten miles in the case
any other carriage or horse, from the premises of the owner) and at such time

may be specified by any officer mentioned in the requisition, and in such case it shall be the duty of a constable executing a warrant issued by a justice of the peace under this section upon the demand of an officer producing the requisition of emergency to insert in his order such time and place for delivery of any vehicle or horse to which the order relates as may be specified by such officer, and the obligation of owners to furnish carriages and horses shall include an obligation to deliver the carriages and horses at such place and time as may be specified in such order, and the provisions of this Act shall have effect as if references therein to the furnishing of carriages and horses included, as respects any such carriage or horse as aforesaid, delivery at such time and place as aforesaid.

(4) The Air Council shall cause due payment to be made for articles furnished in pursuance of this section, and if any difference arises respecting the amount of payment for any article, the amount shall be such as may be fixed by a certificate of a county court judge having jurisdiction in any place in which such article was furnished or through which it travelled or was carried in pursuance of the requisition; and for the purpose of fixing such amount the provisions set out in the Sixth Schedule to this Act shall have effect.

Where a sum has been paid or tendered by or on behalf of the Air Council under this subsection, that sum shall be deemed to be the amount due, unless, within three weeks from the date of payment or tender, an application is made to a county court judge for his certificate.

(5) Canal, river, or lock tolls are hereby declared not to be demandable for vessels while employed in any service in pursuance of this section or returning therefrom. And any toll collector who demands or receives toll in contravention of this exemption shall, on summary conviction, be liable to a fine not exceeding five pounds nor less than ten shillings.

(6) A requisition of emergency, purported to be issued in pursuance of this section and to be signed by an officer therein stated to be authorised in accordance with this section, shall be evidence, until the contrary is proved, of its being duly issued and signed in pursuance of this Act, and if delivered to an officer of His Majesty's forces or of the Air Council shall be a sufficient authority to such officer to demand carriages, animals, vessels, aircraft, food, forage and stores in pursuance of this section, and when produced by such officer shall be conclusive evidence to a justice and constable of the authority of such officer to make such demand in accordance with such requisition; and it shall be lawful to convey on such carriages, animals, vessels and aircraft, not only the baggage, provisions, and stores of the body of the air force mentioned in the requisition of emergency, but also the officers, airmen, servants, women, children, and other persons of and belonging to the same.

(7) Whenever a proclamation ordering the air-force reserve to be called out on permanent service is in force, the order of His Majesty authorising an officer to issue a requisition of emergency may authorise him to extend such requisition to the provision of carriages, animals, vessels, aircraft, food, forage and stores for the purpose of being purchased, as well as of being hired, on behalf of the Crown.

(8) Where a justice, on demand by an officer and on production of a requisition of emergency, has issued his warrant for the provision of any articles, and any person ordered in pursuance of such warrant to furnish any such article refuses or neglects to furnish the same according to the order, then, if a proclamation ordering the air force reserve to be called out on permanent service is in force, the said officer may seize (and if need be by force) the article requisitioned, and may use the same in like manner as if it had been furnished in pursuance of the order, but the said person shall be entitled to payment for the same in like manner as if he had duly furnished the same according to the order.

(9) The Air Council may, by regulations under the Territorial and Reserve Forces Act, 1907, assign to county associations established under that Act the duty of furnishing in accordance with the directions of the Air Council, such

carriages, animals, vessels, aircraft, food, forage and stores as may be require on mobilisation for the regular or auxiliary air force, or any part thereof, and whe such regulations are made an officer of a county association shall have the sam powers as are by this section conferred on an officer of the Air Council.

Offences in relation to the Impressment of Carriages, &c.

Offences in relation to the Impressment of Carriages, &c.

Offences by constables.

116. Any constable who—

(1) Neglects or refuses to execute any warrant of a justice, requiring him provide carriages, animals, vessels, aircraft, food, forage or stores;

(2) Receives, demands, or agrees for any money or reward whatsoever excuse or relieve any person from being entered in a list as liable furnish, or from being required to furnish, or from furnishing any suc article; or

(3) Orders any such article to be furnished for any person or purpose or any occasion for and on which it is not required by this Act to furnished,

shall, on summary conviction, be liable to a fine of not less than twenty shilling nor more than twenty pounds.

Offences by persons ordered to furnish articles.

117. A person ordered by any constable in pursuance of this Act to furnis any article who—

(1) Refuses or neglects to furnish the same according to the orders of suc constable and this Act; or

(2) Gives or agrees to give to a constable or to any officer or non-com missioned officer any money or reward whatsoever to be excused fro being entered in a list as liable to furnish, or from being required furnish, or from furnishing, or in lieu of furnishing, any article pursuance of this Act; or

(3) Does any act or thing by which the execution of any warrant or ord for providing or furnishing any article is hindered,

shall, on summary conviction, be liable to pay a fine of not less than forty shilling nor more than ten pounds.

Offences by officers or airmen.

118.—(1) Any officer or airman who commits any offence in relation to th impressment of carriages for which he is liable to be punished under Part On of this Act, other than an offence in respect of which any other remedy is give by this part of this Act to the person aggrieved, shall, on summary conviction be liable to a fine not exceeding fifty pounds nor less than forty shillings.

(2) A certificate of a conviction for an offence under this section shall b transmitted by the court making such conviction to the Air Council.

Supplemental Provisions as to Billeting and Impressment of Carriages.

Supplemental Provisions as to Billeting and Impressment of Carriages.

Application to court of summary jurisdiction respecting sums due to keepers of victualling houses or owners of carriages, &c

119.—(1) The following persons; that is to say,—

(*a*) If any officer or airman fails to comply with the provisions of this par of this Act with respect to the payment of a sum due to a keeper of victualling house or in respect of carriages or animals, or to the makin up of an account of the sum due, the person to whom the sum is due; o

(*b*) If a keeper of a victualling house suffers any ill-treatment by violence extortion, or making disturbance in billets from any officer or airman billeted upon him, or if the owner of any article or the person in charg of any carriage, animal, vessel or aircraft furnished in pursuance o this part of this Act suffers any ill-treatment from any officer or airman the person suffering such ill-treatment, but, when there is an officer commanding such officer or airman present at the place only after fir making due complaint, if practicable to such commanding officer,

may apply to a court of summary jurisdiction, and such court, if satisfied on oath of such failure or such ill-treatment, and of the amount fairly due to the applicant, including the costs of his application to the court of summary jurisdiction, shall certify the same to the Air Council, who shall forthwith cause the amount due to be paid.

(2) Provided that the Air Council, if it appear to them that the amount named in such certificate is not justly due, or is in excess of the amount justly due, may direct a complaint to be made to a court of summary jurisdiction for the county, borough, or place for which the court giving the certificate acted, and the court after hearing the case may by order confirm the said certificate, or vary it in such manner as to the court seems just.

Provisions as to constables, police authorities, and justices.

120.—(1) A constable shall observe the directions given to him for the due execution of this part of this Act by the police authority; and the police authority, or any member thereof, and every justice of the peace may, if it seem necessary, and in the absence of a constable shall, themselves or himself exercise the powers and perform the duties by this part of this Act vested in or imposed on a constable, and in such case every such person is in this part of this Act included in the expression "constable."

(2) A person having or executing any air-force office or commission in any part of the United Kingdom shall not, directly or indirectly, be concerned, as a justice or constable, in the billeting of or appointing quarters for any officer or airman or horse of the corps or unit, or part of a corps or unit, under his immediate command, and all warrants, acts, and things made, done, and appointed by such persons for or concerning the same shall be void.

Fraudulent claim for carriages, animals, &c.

121. If any person—

(1) Forges or counterfeits any route or requisition of emergency, or knowingly produces to a justice or constable any route or requisition of emergency so forged or counterfeited; or

(2) Personates or represents himself to be an officer or airman authorised to demand any billet, or any carriage, animal, vessel, aircraft, food, forage or stores, or to be entitled to be billeted, or to have his horse billeted, or personates or represents himself to be a person authorised to act in the purchase or hire, for the purposes of His Majesty's air-force service, of any carriage, animal, vessel, aircraft, food, forage or stores; or

(3) Produces to a justice or constable a route or requisition which he is not authorised to produce, or a document falsely purporting to be a route or requisition,

he shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not less than twenty shillings and not more than five pounds.

PART IV.

GENERAL PROVISIONS.

Supplemental Provisions as to Courts-martial.

Supplemental Provisions as to Courts-martial.

Royal warrant required for convening and confirming general courts-martial.

122.—(1) His Majesty may, subject to the provisions of this Act, by warrant or warrants under His Sign Manual in such form as His Majesty may from time to time direct, from time to time—

(*a*) Convene or authorise any qualified officer to convene a general court-martial for the trial under this Act of any person subject to this Act;

(*b*) Give a general authority to any qualified officer to convene general courts-martial for the trial, under this Act, of such persons subject to this Act as may for the time being be under or within the limits of his command; and

(*c*) Empower any qualified officer to delegate to any officer under his command, not below the degree of field officer, a general authority to convene general courts-martial for the trial, under this Act, of such persons subject to this Act, as are for the time being under or within the limits of his command; and

(*d*) Reserve for confirmation by His Majesty, or empower any qualified officer to confirm, the findings and sentences of general courts-martial; and

(*e*) Empower any officer for the time being authorised to confirm the findings and sentences of general courts-martial to reserve for confirmation findings or sentences of general courts-martial, or to delegate a power of confirming such findings or sentences to any officer under his command not below the degree of field officer; and

(*f*) Revoke any warrant for the time being in force, or any part of any warrant, leaving the remainder in full force:

Provided that where it appears to His Majesty that, in any place out of the United Kingdom, where no field officer is for the time being in command, hardship would be inflicted on persons accused of offences by reason of there being no means of speedily trying such persons for offences, a warrant under this section may empower an officer to delegate to an officer not below the degree of captain any authority and power authorised under this section to be delegated to a field officer.

(2) The same officer may or may not be appointed convening and confirming officer.

(3) The power of convening general courts-martial, and of confirming findings and sentences of general courts-martial, or either of such powers, may be granted subject to such restrictions, reservations, exceptions, and conditions as to His Majesty may seem meet, and when delegated by any officer empowered in that behalf may, subject to the provisions of any warrant granting him such power, be delegated subject to such restrictions, reservations, exceptions, and conditions as to such officer may seem fit.

(4) Warrants under this section may be addressed to officers by name or designation of their offices, or partly in one way and partly in the other, and any warrant may or may not, according to the terms of such warrant and the mode in which the same is addressed, be limited to an officer named, or be extended to any person for the time being performing the duties of the office named, or be extended to the successors in command of an officer.

(5) Any warrant of His Majesty issued in pursuance of this section shall be of the same force as if the provisions thereof were enacted by this Act.

(6) "Qualified officer" for the purposes of this Act, in so far as it relates to convening or confirming the findings and sentences of general courts-martial, means any officer not below the rank of a field officer commanding for the time being any body of the regular air force either within or without His Majesty's

minions; it also includes the Lord Lieutenant of Ireland, the Governor-eneral of India, and a Governor of any colony on whom the command of any art of His Majesty's forces may be conferred by His Majesty; it also includes, in e case of a body of the air force on active service, the officer commanding in ief in the field, whether such officer is an officer of the air force, army, or navy.

Authority of officer empowered to convene general courts-martial required for convening and confirming district courts-martial.

123.—(1) Any officer or person authorised to convene general courts-martial may—

(*a*) Convene a district court-martial for the trial under this Act of any person under his command who is subject to this Act; and

(*b*) Empower any person under his command not below the rank of captain to convene a district court-martial for the trial under this Act of any person under the command of such last-mentioned officer who is subject to this Act; and

(*c*) Confirm the finding and sentence of any district court-martial, or empower any officer whom he has power to authorise to convene district courts-martial to confirm the finding and sentence of any district court-martial.

(2) The same officer may or may not be appointed convening and confirming ficer under this section.

(3) The power of convening, and of confirming the findings and sentences district courts-martial, or either of such powers, may be granted under this ction, subject to such restrictions, reservations, exceptions, and conditions as the officer granting such power may seem meet.

(4) Any authority under this section for convening district courts-martial ay be addressed to an officer by name or by designation of his office, or partly one way and partly in the other, and may, or may not, according to the terms ereof and the mode in which the same is addressed, be limited to an officer amed, or be extended to a person holding for the time being or performing the rties of the office, or be extended to the successors in command of such officer.

Right of person tried to copy of proceedings of court-martial.

124. Any person tried by a court-martial shall be entitled, on demand, at any me in the case of a general court-martial within seven years, and in the case of y other court-martial within three years, after the confirmation of the finding nd sentence of the court, to obtain from the officer or person having the custody proceedings of such court a copy thereof, including the proceedings with spect to the revision and confirmation thereof, upon payment for the same at e prescribed rate, not exceeding twopence for every folio of seventy-two words, nd for the purposes of this section the proceedings of courts-martial shall be eserved in the prescribed manner.

Summoning and privilege of witnesses at courts-martial.

125.—(1) Every person required to give evidence before a court-martial may summoned or ordered to attend in the prescribed manner.

(2) Every person attending in pursuance of such summons or order as a witness fore any court-martial shall, during his necessary attendance in or on such urt, and in going to and returning from the same, have the same privilege from rest as he would have if he were a witness before a superior court of civil risdiction.

Misconduct of civilian at court-martial.

126.—(1) Where any person who is not subject to this Act commits any of e following offences; that is to say,

(*a*) On being duly summoned as a witness before a court-martial, and after payment or tender of the reasonable expenses of his attendance, makes default in attending; or

(*b*) Being in attendance as a witness—

(i) Refuses to take an oath legally required by a court-martial to be taken; or

(ii) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him; or

(iii) Refuses to answer any question to which a court-martial may legally require an answer,

the president of the court-martial may certify the offence of such person und hand to any court of law in the part of His Majesty's dominions where the o is committed which has power to punish witnesses if guilty of like offences i court, and that court may thereupon inquire into such alleged offence, and examination of any witnesses that may be produced against or for the p so accused, and after hearing any statement that may be offered in de if it seem just, punish such witness in like manner as if he had committed offence in a proceeding in that court.

(2) Where a person not subject to this Act when examined on oath or s declaration before a court-martial wilfully gives false evidence, he shall be on indictment or information to be convicted of and punished for the offe perjury, or the offence by whatever name called in the part of His Maj dominions in which the offence is tried which, if committed in England, be perjury.

(3) Where a person not subject to this Act is guilty of any contempt tow court-martial, by using insulting or threatening language, or by causin interruption or disturbance in its proceedings, or by printing observatio using words calculated to influence the members of or witnesses before such or to bring such court into disrepute, the president of the court-martia certify the offence of such person, under his hand, to any court of law in th of His Majesty's dominions where the offence is committed which has po commit for contempt, and that court may thereupon inquire into such a offence, and after hearing any witnesses that may be produced against behalf of the person so accused, and after hearing any statement that m offered in defence, punish or take steps for the punishment of such person manner as if he had been guilty of contempt of that court.

Court-martial governed by English law only.

127. A court-martial under this Act shall not, as respects the conduct proceedings, or the reception or rejection of evidence, or as respects any matter or thing whatsoever, be subject to the provisions of the Indian Ev Act, 1872, or to any Act, law, or ordinance of any legislature whatsoever than the Parliament of the United Kingdom.

Rules of evidence to be the same as in civil courts.

128. The rules of evidence to be adopted in proceedings before courts-m shall be the same as those which are followed in civil courts in England, a person shall be required to answer any question or to produce any doc which he could not be required to answer or produce in similar proce before a civil court.

Position of counsel at courts-martial.

129. Whereas it is expedient to make provision respecting the cond counsel when appearing on behalf of the prosecution or defence at courts-m in pursuance of rules under this Act, be it therefore enacted as follows:—

(1) Any conduct of a counsel which would be liable to censure, or a con of court, if it took place before His Majesty's High Court of J in England, shall likewise be deemed liable to censure, or a conte court, in the case of a court-martial; and the rules laid down f practice of courts-martial and the guidance of counsel shall be b on counsel appearing before such courts-martial, and any wilfu obedience of such rules shall be professional misconduct, and, if vered in, be deemed a contempt of court.

(2) Where a counsel is guilty of conduct liable to censure, or a con of court, such offence shall be deemed to be an offence within the m of section one hundred and twenty-six of this Act, and the pre of the court-martial may certify the same to a court of law accord and the court of law to which the same is certified shall deal wit offence in the same manner as if it had been committed in a proc before that court.

(3) A court-martial may, by order under the hand of the president, cause a counsel to be removed from the court who is guilty of such an offence as may, in the opinion of the court-martial, require his removal from court, but in every such case the president shall certify the offence committed to a court of law in manner provided by the above-mentioned section.

Provision in case of insane persons.

130.—(1) Where it appears on the trial by court-martial of a person charged h an offence that such person is by reason of insanity unfit to take his trial, court shall find specially that fact; and such person shall be kept in custody he prescribed manner until the directions of His Majesty thereon are known, ntil any earlier time at which such person is fit to take his trial.

(2) Where on the trial by court-martial of a person charged with an offence ppears that such person committed the offence but that he was insane at the e of the commission thereof, the court shall find specially the fact of his anity, and such person shall be kept in custody in the prescribed manner until directions of His Majesty thereon are known.

(3) In either of the above cases His Majesty may give orders for the safe tody of such person during his pleasure, in such place and in such manner as Majesty thinks fit.

(4) A finding under this section shall be subject to confirmation in like manner any other finding.

(5) If a person imprisoned or undergoing detention by virtue of this Act omes insane, then, without prejudice to any other provision for dealing with h insane person, a Secretary of State in any case, and in the case of a person fined in India, the Governor-General of India, or the Governor of any sidency in which the person is confined, and in the case of a person confined a colony the Governor of that colony, may, upon a certificate of such insanity two qualified medical practitioners, order the removal of such person to an lum or other proper place for the reception of insane persons in the United gdom, India, or the colony, according as the person is confined in the United gdom, India, or the colony, there to remain for the unexpired term of his risonment or detention, and, upon such person being certified in the like nner to be again of sound mind, may order his removal to any prison or ention barrack in which he might have been confined if he had not become ane, there to undergo the remainder of such punishment.

Provided that this subsection shall not apply to a person imprisoned in England.

General Provisions as to Prisons and Detention Barracks.

General Provisions as to Prisons and Detention Barracks.

Arrangements with Indian and colonial governments as to prisons.

131.—(1) A Secretary of State may from time to time make arrangements h the Governor-General of India or the Governor of a colony for the reception ny prison in India or in such colony of prisoners under this Act, and of deserters bsentees without leave from His Majesty's service, on payment of such sums are provided by the arrangement, and the governor of any prison to which such arrangement relates shall be under the same obligation as the governor prison in the United Kingdom to receive and detain such prisoners, deserters, absentees without leave.

(2) Provided that where a person has been sentenced in India or in a colony a term of imprisonment or detention exceeding twelve months or to a term of al servitude, he shall be transferred as soon as practicable to a prison or ention barrack, or convict establishment within the United Kingdom, unless the case of imprisonment or detention the court shall for special reasons erwise order, there to undergo his sentence; or unless he belongs to a class h respect to which a Secretary of State has declared that, by reason of the nate or place of his birth or the place of his enlistment, or otherwise, it is not eficial to the person to transfer him to the United Kingdom; every such laration shall be laid before both Houses of Parliament.

(3) Any order which can be made under this section by the court may be m by the confirming authority in confirming the finding and sentence, and in case of any commutation or remission of sentence may be made by the autho commuting or remitting the sentence.

Duty of governor of prison to receive prisoners, deserters, and absentees without leave.

132.—(1) The governor of every prison in the United Kingdom, and governor of every prison in India or a colony who is under the same obliga as the governor of a prison in the United Kingdom, shall receive and con until discharged or delivered over in due course of law, all prisoners sent to prison in pursuance of this Act, and every person delivered into his custody deserter or absentee without leave by any person conveying him under authority, on production of the warrant of a court of summary jurisdictio which such deserter or absentee without leave has been taken or commit or of some order from a Secretary of State, or from the Governor-General of I or the Governor of a colony, which order shall continue in force until the des or absentee without leave has arrived at his destination.

(2) Every such governor shall also receive into his custody for a period exceeding seven days any airman in air-force custody upon delivery to hi a written order purporting to be signed by the commanding officer of such air

(3) The provisions of this section with respect to the governor of a pris the United Kingdom shall apply to a person having charge of any police st or other place in which prisoners may legally be confined.

Air-force Prisons and Detention Barracks.

Air-force Prisons and Detention Barracks.

Establishment and regulation of air-force prisons.

133.—(1) It shall be lawful for a Secretary of State, and in India for Governor-General, to set apart any building or part of a building under the co of the Secretary of State or Governor-General as an air-force prison or dete barrack, or as a public prison for the imprisonment of air-force prisoners a declare that any such building or part of a building shall be an air-force p or a detention barrack, or a public prison, as the case may be, and every air- prison so declared shall be deemed to be a public prison within the mea of the provisions of this Act relating to imprisonment, and if such prison India shall be deemed to be an authorised prison.

(2) It shall be lawful for a Secretary of State, and in India for the Gover General, from time to time to make, alter, and repeal rules for the governm management, and regulation of air-force prisons and detention barracks, an the appointment and removal and powers of inspectors, visitors, gover and officers thereof, and for the labour of air-force or other prisoners and ai undergoing detention therein, and for enabling such prisoners or airmen to by special industry and good conduct, a remission of a portion of their sent and for the safe custody of such prisoners or airmen, and for the maintenan discipline among them, and for the punishment by personal correction, restr or otherwise of offences committed by such prisoners or airmen, so, ho that such rules shall not authorise corporal punishment to be inflicted for offence, nor render the imprisonment or detention more severe than it is unde law in force for the time being in any public prison in England, subject t Prison Act, 1877, and provided that all the regulations made under the P Act, 1898, as to the duties of gaolers and medical officers and all regula contained in the Coroners Act, 1887, as to the duties of coroners with respe inquests in prisons and detention barracks, shall be contained in such rul far as the same can be made applicable.

40 & 41 Vict. c. 21.

61 & 62 Vict. c. 41.

50 & 51 Vict. c. 71.

(3) On all occasions of death by violence or attended with suspicious ci stances in any air-force prison or detention barrack in India an inquest is held, to make inquiry into the cause of death. The commanding officer cause notice to be given to the nearest magistrate, duly authorised to inquests, and such magistrate shall hold an inquest into the cause of any

death, in the manner and with the powers provided in the case of similar inquiries held under the law for the time being in force in India for regulating criminal procedure.

(4) Where from any cause there is no competent civil authority available, the commanding officer shall convene a court of inquest. Such court shall be convened and shall hold the inquest in such manner as may be prescribed.

(5) Such rules may apply to such prisons and detention barracks any enactments of the Prison Act, 1865, imposing punishments on any persons not prisoners. 28 & 29 Vict. c. 126.

(6) All rules made by a Secretary of State in pursuance of this section shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, as soon as practicable after the commencement of the then next session of Parliament.

(7) In any country in which operations against the enemy are being conducted, the powers of a Secretary of State under this section with respect to air-force prisons and detention barracks shall be exerciseable by the officer commanding-in-chief in the field, whether such officer is an air-force, military or naval officer, and shall include a power of declaring any place to be an air-force prison or a detention barrack, and the limitations on the power of making rules as to the punishment of prisoners and airmen undergoing detention and as to the severity of imprisonment and detention shall not apply: Provided that nothing in this subsection, or in any rules made thereunder, shall authorise flogging or other corporal punishment to be inflicted for any offence.

Restrictions on confinement in prisons in India or colonies, not being air-force prisons.

134. No airmen shall be confined longer than is absolutely necessary in prisons, other than air-force prisons, in India and the colonies, where the rules for the government and management of such prisons differ from those made by the Governor-General of India and a Secretary of State in the case of India and the colonies respectively.

Classification of prisoners.

135. Whereas it is expedient that a clear difference should be made between the treatment of prisoners convicted of breaches of discipline and the treatment of prisoners convicted of offences of an immoral, dishonest, shameful, or criminal character, or sentenced to be discharged from the air service with ignominy, a Secretary of State shall from time to time make rules for the classification and treatment of such prisoners.

Pay.

Pay.

Authorised deductions only to be made from pay.

136. The pay of an officer or airman of His Majesty's regular air force shall be paid without any deduction other than the deductions authorised by this or any other Act or by any Royal Warrant for the time being, or by any law passed by the Governor-General of India in Council.

Penal stoppages from ordinary pay of officers.

137. The following penal deductions may be made from the ordinary pay due to an officer of the regular air force:—

(1) All ordinary pay due to an officer who absents himself without leave or overstays the period for which leave of absence has been granted him, unless a satisfactory explanation has been given through the commanding officer of such officer, and has been approved by the Air Council:

(2) The sum required to make good such compensation for any expenses, loss, damage, or destruction occasioned by the commission of any offence as may be awarded by the court-martial by whom he is convicted of such offence:

(3) The sum required to make good the pay of any officer or airman which he has unlawfully retained or unlawfully refused to pay:

(4) The sum required to make good any loss, damage, or destruction
public property which, after due investigation, appears to the Air Counc
or in the case of officers serving in India the Governor-General, to ha
been occasioned by any wrongful act or negligence on the part of t
officer: Provided that where deductions have been so made from t
pay of an officer serving in India the case shall, if he so require,
reported to the Secretary of State for India in Council, who may ma
such order thereon as he thinks fit.

Penal stoppages from ordinary pay of airmen.

138. The following penal deductions may be made from the ordinary p
due to an airman of the regular air force:—

(1) All ordinary pay for every day of absence either on desertion or witho
leave, or as a prisoner of war, and for every day of imprisonme
awarded by a civil court or court-martial, or, if he is on board one
His Majesty's ships, by the commanding officer of that ship, for eve
day of detention or field punishment awarded by a court-martial
by his commanding officer, and for every day whilst he is in custo
on a charge for an offence of which he is afterwards convicted by
civil court or court-martial, or on a charge of absence without lea
for which he is afterwards awarded detention or field punishment by
commanding officer:

(2) All ordinary pay for every day on which he is in hospital on accou
of sickness certified by the proper medical officer attending on him
the hospital to have been caused by an offence under this Act co
mitted by him:

(3) The sum required to make good such compensation for any expens
loss, damage, or destruction occasioned by the commission of a
offence as may be awarded by the court-martial by whom he is convict
of such offence, or if he is on board one of His Majesty's ships, by t
commanding officer of that ship, or where he has confessed the offe
and his trial is dispensed with by order under section seventy-thr
of this Act as may be awarded by that order or by any other order
a competent air-force authority under that section:

(4) The sum required to make good such compensation for any expens
caused by him, or for any loss of or damage or destruction done by h
to any aircraft or any part thereof, or any arms, ammunition, aircra
material or any other equipment, clothing, instruments, or servi
necessaries or air-force decoration, or to any buildings or proper
as may be awarded by his commanding officer, or, in case he requi
to be tried by a court-martial, by that court-martial, or if he is on boa
one of His Majesty's ships, by the commanding officer of that shi

(5) Where an airman at the time of his enlistment belonged to any p
of the auxiliary air force, the sum required to make good any compens
tion for which at the time of his enlistment he was under stoppage
pay as a member of the auxiliary air force, and any sum which he
liable to pay by reason of his quitting the said part of the auxili
air force upon his enlistment:

(6) Where an airman's liquor ration is stopped by his commanding offi
on board any ship, whether commissioned by His Majesty or not, t
sum equivalent to such ration, whether previously drawn by the airm
or not, not exceeding one penny a day for twenty-eight days:

(7) The sum required to pay a fine awarded by a court-martial, his co
manding officer, or a civil court; and

(8) The sum required to pay any sum ordered by the Air Council, or a
officer deputed by them for the purpose, to be paid as mentioned
this Act for the maintenance of his wife or child, or of any bastard chi

or towards the cost of any relief given by way of loan to his wife or child: Provided that—

(*a*) the total amount of deductions from the ordinary pay due to an airman in respect of the sums required to pay any compensation, fine, or sum awarded or ordered to be paid as aforesaid shall not exceed such sum as will leave to the airman, after paying for his messing and washing, less than one penny a day; and

(*b*) a person shall not be subjected in respect of any compensation, fine, or sum awarded or ordered to be paid as aforesaid to any deductions greater than is sufficient to make good the expenses, loss, damage, or destruction for which such compensation is awarded, or to pay the said sum; and

(*c*) where an airman who is sentenced or ordered in respect of an offence on active service to forfeit all ordinary pay is liable to any other penal deductions from pay, the sentence or order shall apply only to so much of his ordinary pay as remains after those other deductions have been made.

How deduction of pay may be remitted.

139. Any deduction of pay authorised by this Act may be remitted in such manner and by such authority as may be from time to time provided by Royal Warrant, and subject to the provisions of any such warrant may be remitted by the Air Council.

Supplemental as to deductions from ordinary pay.

140.—(1) Any sum authorised by this Act to be deducted from the ordinary pay of an officer or airman may, without prejudice to any other mode of recovering the same, be deducted from the ordinary pay or from any sums due to such officer or airman, in such manner, and when deducted or recovered may be appropriated in such manner, as may be from time to time directed by any regulation or order of the Air Council.

(2) And any such regulation or order may from time to time declare what shall be deemed for the purposes of the provisions of this Act relating to deductions from pay to constitute a day of absence or a day of imprisonment or detention, so, however, that no time shall be so reckoned as a day unless the absence or imprisonment or detention has lasted for six hours or upwards, whether wholly in one day or partly in one day and partly in another, or unless such absence prevented the absentee from fulfilling any air-force duty which was thereby thrown upon some other person.

(3) In cases of doubt as to the proper issue of pay or the proper deduction from pay due to any officer or airman, the pay may be withheld until His Majesty's order respecting it has been signified through a Secretary of State, which order shall be final.

Prohibition of assignment of pay, pensions, &c.

141. Every assignment of, and every charge on, and every agreement to assign or charge, any deferred pay, or air-force reward payable to any officer or airman of any of His Majesty's forces, or any pension, allowance, or relief payable to any such officer or airman, or his wife, widow, child, or other dependent, or to any person in respect of any air-force service, shall, except so far as the same is made in pursuance of a Royal Warrant for the benefit of the family of the person entitled thereto, or as may be authorised by any Act for the time being in force, be void.

Punishment of false oath and personation.

142.—(1) Where any regulations made by the Air Council or the Commissioners of His Majesty's Treasury, with respect to the payment of any air-force reward, pension, or allowance, or any sum payable in respect of air-force service, or with respect to the payment of money or delivery of property in the possession of the air-force authorities, provide for proving, whether on oath or by statutory declaration, the identity of the recipient or any other matter in connexion with such payment, such oath may be administered and declaration taken by the

persons specified in the regulations, and any person who in such oath or declar tion wilfully makes any false statement shall be liable to the punishment perjury.

(2) Any person who falsely represents himself to any air-force, milita naval, or civil authority to belong to, or to be a particular man in, the regu or auxiliary air force, shall be deemed to be guilty of personation.

37 & 38 Vict. c. 36.

(3) Any person who is guilty of an offence under the False Personation A 1874, in relation to any air-force pay, reward, pension, or allowance, or to a sum payable in respect of air-force service, or to any money or property in possession of the air-force authorities, or is guilty of personation under this secti shall be liable, on summary conviction, to imprisonment, with or without h labour, for a term not exceeding three months, or to a fine not exceeding twen five pounds.

(4) Provided that nothing in this section shall prevent any person from be proceeded against and punished under any other enactment or at common in respect of any offence, so that he be not punished twice for the same offence

Exemptions of Officers and Airmen.

Exemptions of Officers and Airmen.

143.—(1) All officers and airmen of His Majesty's regular air force on d or on the march; and

Exemptions of officers and airmen from tolls.

Their horses and baggage; and

All prisoners under air-force escort; and

All carriages and horses belonging to His Majesty or employed in his force service, when conveying any such persons as above in this sect mentioned, or baggage or stores, or returning from conveying the sa

shall be exempted from payment of any duties or tolls on embarking or embarking from or upon any pier, wharf, quay, or landing-place, or in pass along or over any turnpike or other road or bridge, otherwise demandable virtue of any Act of Parliament already passed or hereafter to be passed, o virtue of any Act, Ordinance, order, or direction of the legislature or o authority in India or any colony.

Provided that nothing in this section shall exempt any boats, barges, or o vessels employed in conveying the said persons, horses, baggage, or stores a any canal from payment of tolls in like manner as other boats, barges, and ves

(2) When any airmen have occasion in their march by route to pass reg ferries in Scotland, the officer commanding may, at his option, pass over wit airmen as passengers, and shall pay for himself and each airman one half of the ordinary rate payable by single persons, or may hire the ferry boat himself and his party, debarring others for that time and shall in all such pay only half the ordinary rate for such boat.

(3) Any person who demands and receives any duty, toll, or rate in con vention of this section shall, on summary conviction, be liable to a fine exceeding five pounds nor less than ten shillings.

Exemption of airmen in respect of civil process.

144.—(1) An airman of His Majesty's regular air force shall not be li to be taken out of His Majesty's service by any process, execution, or ord any court of law or otherwise, or to be compelled to appear in person before court of law, except in respect of the following matters, or one of them; is to say,

(*a*) On account of a charge of or conviction for crime; or

(*b*) On account of any debt, damages, or sum of money, when the am exceeds thirty pounds over and above all costs of suit.

(2) For the purposes of this section a crime shall mean a felony, misdeme or other crime or offence punishable, according to the law in force in that of His Majesty's dominions in which such airman is, with fine or imprison

or some greater punishment, and shall not include the offence of a person absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting his contract.

(3) For the purposes of this section a court of law shall be deemed to include a court of summary jurisdiction and any magistrate.

(4) The amount of the debt, damages, or sum shall be proved for the purpose of any process issued before the court has adjudicated on the case by an affidavit of the person seeking to recover the same or of some one on his behalf, and such affidavit shall be sworn, without payment of any fee, in the manner in which affidavits are sworn in the court in which proceedings are taken for the recovery of the sum, and a memorandum of such affidavit shall, without fee, be indorsed upon any process or order issued against an airman.

(5) All proceedings and documents in or incidental to a process, execution, or order in contravention of this section shall be void; and where complaint is made by an airman or his commanding officer that such airman is dealt with in contravention of this section by any process, execution, or order issued out of any court, and is made to that court or to any court superior to it, the court or some judge thereof shall examine into the complaint, and shall, if necessary, discharge such airman without fee, and may award reasonable costs to the complainant, which may be recovered as if costs had been awarded in his favour in any action or other proceeding in such court.

Provided that—

(1) Any person having cause of action or suit against an airman of the regular air force may notwithstanding anything in this section, after due notice in writing given to the airman, or left at his last quarters, proceed in such action or suit to judgment, and have execution other than against the person, pay, arms, ammunition, equipments, service necessaries, or clothing of such airman; and

(2) This section shall not prevent such proceedings with respect to apprentices and indentured labourers as is authorised by this Act.

Liability of airmen to maintain wife and children.

145.—(1) An airman of the regular air force shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not an airman; but execution in respect of any such liability or of any order or decree in respect of such maintenance shall not issue against his person, pay, arms, ammunition, equipments, instruments, service necessaries, or clothing; nor shall he be liable to be punished for the offence of deserting or neglecting to maintain his wife or family, or any member thereof, or of leaving them or them chargeable to any union, parish, or place.

(2) When any order or decree is made under any Act or at common law for payment by a man who is or subsequently becomes an airman of the regular air force either of the cost of the maintenance of his wife or child, or of any bastard child of whom he is the putative father, or of the cost of any relief given to his wife or child by way of loan, a copy of such order or decree shall be sent to the Air Council, or any officer deputed by them for the purpose, and in the case—

(*a*) Of such order or decree being so sent; or

(*b*) Of it appearing to the satisfaction of the Air Council or any officer deputed by them for the purpose that an airman of the regular air force has deserted or left in destitute circumstances, without reasonable cause, his wife or any of his legitimate children under sixteen years of age,

the Air Council or officer shall order to be deducted from the daily pay of the airman, and to be appropriated in liquidation of the sum adjudged to be paid by such order or decree, or towards the maintenance of the wife or children of the

airman, as the case may be, in such manner as the Air Council or officer think
thinks fit, a portion of such daily pay not exceeding—

where the airman is a warrant officer (Class I.) not holding an honora
commission—in respect of a wife or children one shilling and sixpen
and in respect of a bastard child, one shilling;

where the airman is a warrant officer (Class II.) not holding an honora
commission, or a non-commissioned officer who is not below the ra
of sergeant—in respect of a wife or children, one shilling, and in resp
of a bastard child, sevenpence;

in the case of any other airman—in respect of a wife or children, sixpen
and in respect of a bastard child, fourpence.

(3) Where a proceeding is instituted against an airman of the regular air fo
under any Act, or at common law, for the purpose of enforcing against him a
such liability as above in this section mentioned, and such airman is quarte
out of the jurisdiction of the court, or, if the proceeding is before a court
summary jurisdiction, out of the petty sessional division in which the proceed
is instituted, the process shall be served on the commanding officer of su
airman, and such service shall not be valid unless there be left therewith, in t
hands of the commanding officer, a sum of money (to be adjudged as costs incur
in obtaining the order or decree, if made against the airman) sufficient to ena
him to attend the hearing of the case and return to his quarters, and such su
may be expended by the commanding officer for that purpose; and no proc
whatever under any Act or at common law in any proceeding in this secti
mentioned shall be valid against an airman of the regular air force if serv
after such airman is under orders for service beyond the seas.

Where, by an order or decree sent to the Air Council or officer in accorda
with subsection (2) of this section, the airman is adjudged to pay as costs incur
in obtaining the order or decree any sum left in the hands of the commandi
officer under this subsection, the Air Council may cause a sum equal to the su
so left to be paid in liquidation of the sum so adjudged to be paid as costs, and t
amount so paid by the Air Council shall be a public debt from the airman agai
whom the order or decree was made, and, without prejudice to any other meth
of recovery, may be recovered by deductions from his daily pay, in addition
those mentioned in subsection (2) of this section.

Officers not to be sheriffs or mayors.

146. An officer of the regular air force on the active list within the meani
of any Royal Warrant for regulating the pay and promotion of the regular
force shall not be capable of being nominated or elected to be sheriff of a
county, borough, or other place, or to be mayor or alderman of, or to hold a
office in, any municipal corporation in any city, borough, or place in the Uni
Kingdom: Provided that nothing in this section shall disqualify any offi
for being elected to or being a member of a county council.

Exemption from jury.

147. Every airman in His Majesty's regular air force shall be exempt fr
serving on any jury.

Legal Penalties in Matters respecting Forces.

Legal Penalties in Matters respecting Forces.

152. Any person who falsely represents himself to any air-force, milita
naval, or civil authority to be a deserter from His Majesty's regular air fo
shall on summary conviction be sentenced to be imprisoned, with or with
hard labour, for any period not exceeding three months.

Punishment for pretending to be a deserter.

153. Any person who in the United Kingdom or elsewhere by any means whatsoever— Punishment for inducing airmen to desert.

(1) Procures or persuades any airman to desert, or attempts to procure or persuade any airman to desert; or

(2) Knowing that an airman is about to desert, aids or assists him in deserting; or

(3) Knowing any airman to be a deserter, conceals such airman, or aids or assists him in concealing himself, or aids or assists in his rescue,

shall be liable, on summary conviction, to be imprisoned, with or without hard labour, for a term not exceeding six months.

154. With respect to deserters and absentees without leave the following provisions shall have effect:— Apprehension of deserters

(1) Upon reasonable suspicion that a person is a deserter or absentee without leave, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or airman or other person, to apprehend such suspected person, and forthwith to bring him before a court of summary jurisdiction:

(2) A justice of the peace, magistrate, or other person having authority to issue a warrant for the apprehension of a person charged with crime may, if satisfied by evidence on oath that a deserter or absentee without leave is or is reasonably suspected to be within his jurisdiction, issue a warrant authorising such deserter or absentee without leave to be apprehended and brought forthwith before a court of summary jurisdiction:

(3) Where a person is brought before a court of summary jurisdiction charged with being a deserter or absentee without leave under this Act, such court may deal with the case in like manner as if such person were brought before the court charged with an indictable offence, or in Scotland an offence:

(4) The court, if satisfied either by evidence on oath or by the confession of such person that he is a deserter or absentee without leave, shall forthwith, as it may seem to the court most expedient with regard to his safe custody, cause him either to be delivered into air-force custody in such manner as the court may deem most expedient, or, until he can be so delivered, to be committed to some prison, police station, or other place legally provided for the confinement of persons in custody, for such reasonable time as appears to the court reasonably necessary for the purpose of delivering him into air-force custody:

(5) Where the person confessed himself to be a deserter or absentee without leave, and evidence of the truth or falsehood of such confession is not then forthcoming, the court shall remand such person for the purpose of obtaining information as to the truth or falsehood of the said confession, and for that purpose the court shall transmit, if sitting in the United Kingdom, to the Air Council, or as they may direct, and if in India to the general or other officer commanding the air force in the district or station where the court sits, and if in a colony to the general or other officer commanding the air force in that colony, a return (in this Act referred to as a descriptive return) containing such particulars and being in such form as is specified in the Fourth Schedule to this Act, or as may be from time to time directed by the Air Council:

(6) The court may from time to time remand the said person for a period not exceeding eight days in each instance and not exceeding in the

whole such period as appears to the court reasonably necessary for the purpose of obtaining the said information:

(7) Where the court cause a person either to be delivered into air-force custody or to be committed as a deserter or absentee without leave the court shall send, if in the United Kingdom, to the Air Council or as they may direct, and if in India or a colony, to the general or other officer commanding as aforesaid, a descriptive return in relation to such deserter or absentee without leave, for which the clerk of the court shall be entitled to a fee of two shillings:

(8) The Air Council shall direct payment of the said fee.

(9) Where a person surrenders himself to a constable in the United Kingdom as being a deserter or absentee without leave, the officer of police in charge of the police station to which he is brought shall forthwith inquire into the case, and if it appears to him from the confession of that person that that person is a deserter or absentee without leave he may cause him to be delivered into air-force custody without bringing him before a court of summary jurisdiction under this section, and in such case shall send to the Air Council or as they may direct a certificate signed by himself as to the fact, date, and place of such surrender.

Penalty on trafficking in commissions.

155. Every person who negotiates, acts as agent for, or otherwise aids or connives at—

(1) The sale or purchase of any commission in His Majesty's regular air force; or

(2) The giving or receiving of any valuable consideration in respect of any promotion in or retirement from such force, or any employment therein; or

38 & 39 Vict. c. 16.

(3) Any exchange which is made in manner not authorised by regulations made in pursuance of the Regimental Exchanges Act, 1875, as applied to the air force, and in respect of which any sum of money or other consideration is given or received,

shall be liable on conviction on indictment or information to a fine of one hundred pounds, or to imprisonment for any period not exceeding six months, and if an officer, on conviction by court-martial, to be dismissed the service.

Penalty on purchasing from airmen necessaries, equipments, stores, &c.

156.—(1) Every person who—

(*a*) Buys, exchanges, takes in pawn, detains, or receives from an officer or airman, or any person acting on his behalf, on any pretence whatsoever; or

(*b*) Solicits or entices an officer or airman to sell, exchange, pawn, or give away; or

(*c*) Assists or acts for an officer or airman in selling, exchanging, pawning or making away with,

any of the property following; namely, any arms, ammunition, equipments, instruments, service necessaries, or clothing, or any air-force naval or military decorations of an officer or airman, or any furniture, bedding, blankets, sheets, utensils, and stores in the charge of a unit of the air-force, or any provisions or forage issued for the use of an officer or airman, or his horse, or of any horse employed in His Majesty's service, shall, unless he proves either that he acted in ignorance of the same being such property as aforesaid, or of the person with whom he dealt being or acting for an airman, or that the same was sold by order of the Air Council or some competent air-force authority, be liable on summary conviction in the case of the first offence, to a fine not exceeding twenty pounds together with treble the value of any property of which such offender has become possessed by means of his offence; and in the case of a second offence to a fine not less than five pounds, and not exceeding twenty pounds, together with treble the value of any property of which such offender has become possessed

by means of his offence, or to imprisonment, with or without hard labour, for a term not exceeding six months.

(2) Where any such property as above in this section mentioned is found in the possession or keeping of any person, such person may be taken or summoned before a court of summary jurisdiction, and if such court have reasonable ground to believe that the property so found was stolen, or was bought, exchanged, taken in pawn, obtained or received in contravention of this section, then if such person does not satisfy the court that he came by the property so found lawfully and without any contravention of this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) A person charged with an offence against this section, and the wife or husband of such person, may, if he or she think fit, be sworn and examined as an ordinary witness in the case.

(4) A person found committing an offence against this section may be apprehended without warrant, and taken, together with the property which is the subject of the offence, before a court of summary jurisdiction; and any person to whom any such property as above mentioned is offered to be sold, pawned, or delivered, who has reasonable cause to suppose that the same is offered in contravention of this section, may, and if he has the power shall, apprehend the person offering such property, and forthwith take him, together with such property, before a court of summary jurisdiction.

(5) A court of summary jurisdiction, if satisfied on oath that there is reasonable cause to suspect that any person has in his possession, or on his premises, any property on or with respect to which any offence in this section mentioned has been committed, may grant a warrant to search for such property, as in the case of stolen goods; and any property found on such search shall be seized by the officer charged with the execution of such warrant, who shall bring the person in whose possession the same is found before some court of summary jurisdiction, to be dealt with according to law.

(6) For the purposes of this section, property shall be deemed to be in the possession or keeping of a person if he knowingly has it in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit, or for the use or benefit of another.

(7) Articles which are public stores within the meaning of the Public Stores Act, 1875, and are not included in the foregoing description, shall not be deemed to be stores issued as regimental necessaries or otherwise within the meaning of section thirteen of that Act. 38 & 39 Vict. c. 25.

(8) It shall be lawful for the Governor-General of India or for the legislature of any colony, on the recommendation of the Governor thereof, but not otherwise, by any law or ordinance to reduce a minimum fine under this section to such amount as may to such Governor-General or legislature appear to be better adapted to the pecuniary means of the inhabitants.

(9) Every person who receives, detains, or has in his possession the identity certificate or life certificate of a person entitled to an air-force pension or to reserve pay or to any bounty allowance or relief as a pledge or security for a debt, or with a view to obtain payment from the pensioner or person entitled to the pay or bounty allowance or relief of a debt due either to himself or to any other person, shall be liable on summary conviction to the like penalty as for an offence under subsection one of this section, and the certificate shall be deemed to be property within the meaning of this section.

Jurisdiction.

Jurisdiction

Person not to be tried twice.

157. Where a person subject to this Act has been acquitted or convicted of an offence by a court-martial, he shall not be liable to be tried again by a court-martial in respect of that offence.

Liability to Act in respect of status.

158.—(1) Where an offence under this Act has been committed by a person while subject to this Act, such person may be taken into and kept air-force custody, and tried and punished for such offence, although he, or corps or unit to which he belongs, has ceased to be subject to this Act, in manner as he might have been taken into and kept in air-force custody, t or punished, if he or such corps or unit had continued so subject:

Provided that where a person has since the commission of an offence ceas to be subject to this Act, he shall not be tried for such offence, except in case of the offence of mutiny, desertion, or fraudulent enlistment, unless his t commences within three months after he has ceased to be subject to this A but this section shall not affect the jurisdiction of a civil court in the case any offence triable by such court as well as by court-martial.

(2) Where a person subject to this Act is sentenced by court-martial penal servitude, imprisonment, or detention, this Act shall apply to him dur the term of his sentence, notwithstanding that he is discharged or dismiss from His Majesty's service, or has otherwise ceased to be subject to this A and he may be kept, removed, imprisoned, made to undergo detention, a punished accordingly as if he continued to be subject to this Act.

Liability to Act in respect of place of commission of offence.

159. Any person subject to this Act who within or without His Majest dominions commits any offence for which he is liable to be tried by court-marti may be tried and punished for such offence at any place (either within or witho His Majesty's dominions) which is within the jurisdiction of an officer authoris to convene general courts-martial, and in which the offender may for the ti being be, in the same manner as if the offence had been committed where t trial by court-martial takes place, and the offender were under the comma of the officer convening such court-martial.

Punishment not increased by trial elsewhere than offence committed.

160. No person shall be subject to any punishment or penalties under t provisions of this Act other than those which could have been inflicted if had been tried in the place where the offence was committed.

Liability to Act in respect of time for trial of offences.

161. A person shall not in pursuance of this Act be tried or punished for a offence triable by court-martial committed more than three years before the da at which his trial begins, except in the case of the offence of mutiny, desertio or fraudulent enlistment; but this section shall not affect the jurisdiction o civil court in the case of any offence triable by such court, as well as by cou martial; and where an airman has served continuously in an exemplary manne for not less than three years in any corps or unit of His Majesty's regular force he shall not be tried for any such offence of desertion (other than deserti on active service), or of fraudulent enlistment, as was committed before t commencement of such three years, but where such offence was fraudule enlistment all service prior to such enlistment shall be forfeited: Provided th the Air Council may restore all or any part of the service forfeited under th section to any airman who may perform good or faithful service or may otherwi be deemed by the Air Council to merit such restoration of service.

Adjustment of law under Act, and civil law.

162.—(1) If a person sentenced by a court-martial in pursuance of this A to punishment for an offence is afterwards tried by a civil court for the sam offence, that court shall, in awarding punishment, have regard to the punishme under this Act he may have already undergone.

(2) Save as aforesaid, nothing in this Act shall exempt an officer or airma from being proceeded against by the ordinary course of law, when accused convicted of any offence, except such an offence as is declared not to be a crim for the purpose of the provisions of this Act relating to taking an airman out His Majesty's service.

(3) If an officer—

(*a*) Neglects or refuses on application to deliver over to the civil magistrate any officer or airman under his command, who is so accused or convicted as aforesaid; or

(*b*) Wilfully obstructs or neglects or refuses to assist constables or other ministers of justice in apprehending any such officer or airman,

such commanding officer shall, on conviction in any of His Majesty's superior courts in the United Kingdom, or in a supreme court in India, be guilty of a misdemeanour.

(4) A certificate of a conviction of an officer under this section, with the judgment of the court thereon in such form as may be directed by the Air Council, shall be transmitted to the Air Council.

(5) Any offence committed by any such commanding officer out of the United Kingdom shall, for the purposes of the apprehension, trial and punishment of the offender, be deemed to have been committed within the jurisdiction of His Majesty's High Court of Justice in England; and such court shall have jurisdiction as if the place where the offence was committed or the offender may for the time being be were in England.

(6) Where a person subject to this Act has been acquitted or convicted of an offence by a competent civil court, he shall not be liable to be tried in respect of that offence under this Act.

Evidence. *Evidence.*

Regulations as to evidence.

163.—(1) The following enactments shall be made with respect to evidence in proceedings under this Act, whether before a civil court or a court-martial; that is to say,

(*a*) The attestation paper purporting to be signed by a person on his being attested as an airman, or the declaration purporting to be made by any person upon his re-engagement in His Majesty's regular air force, or upon any enrolment in any branch of His Majesty's service, shall be evidence of such person having given the answers to questions which he is therein represented as having given:

The enlistment of a person in His Majesty's service may be proved by the production of a copy of his attestation paper purporting to be certified to be a true copy by the officer having the custody of the attestation paper without proof of the handwriting of such officer, or of his having the custody of the paper:

(*b*) A letter, return, or other document respecting the service of any person in, or the discharge of any person from, any portion of His Majesty's forces, or respecting a person not having served in or belonged to any portion of His Majesty's forces, if purporting to be signed by or on behalf of a Secretary of State or the Air Council, or the Army Council, or of the Commissioners of the Admiralty, or by the commanding officer of any portion of His Majesty's forces, or of any of His Majesty's ships, to which such person appears to have belonged, or alleges that he belongs or had belonged, shall be evidence of the facts stated in such letter, return, or other document:

(*c*) Copies purporting to be printed by a Government printer of King's regulations, or regulations referred to in section one hundred and forty-two of this Act of royal warrants, of air-force circulars or orders, and of rules made by His Majesty, or a Secretary of State or the Air Council, in pursuance of this Act, shall be evidence of such regulations, royal warrants, air-force circulars or orders, and rules:

(*d*) An air-force list or gazette purporting to be published by authori and either to be printed by a Government printer or to be issued, in the United Kingdom, by His Majesty's Stationery Office, and if India, by some office under the Governor-General of India, shall evidence of the status and rank of the officers therein mentioned, a of any appointment held by such officers, and of the corps or u or arm or branch of the service to which such officers belong:

(*e*) Any warrants or orders made in pursuance of this Act by any air-fo authority shall be deemed to be evidence of the matters and thin therein directed to be stated by or in pursuance of this Act, and a copies of such warrants or orders purporting to be certified to be t copies by the officer therein alleged to be authorised by a Secreta of state or the Air Council to certify the same shall be admissible evidence:

(*g*) Where a record is made in one of the service books in pursuance of a Act or of the King's regulations, or otherwise in pursuance of air-fo duty, and purports to be signed by the commanding officer or by t officer whose duty it is to make such record, such record shall be eviden of the facts thereby stated:

(*h*) A copy of any record in one of the said service books purporting to certified to be a true copy by the officer having the custody of su book shall be evidence of such record:

(*i*) A descriptive return within the meaning of this Act, purporting to signed by a justice of the peace, shall be evidence of the matters there stated:

(*j*) Where the proceedings are proceedings against an officer or airma on a charge of being a deserter or absentee without leave, and t officer or airman has surrendered himself into the custody of a provo marshal, assistant provost marshal, or other officer, or any portio of His Majesty's forces, a certificate purporting to have been sign by such provost marshal, assistant provost marshal, or other offic or by the commanding officer of the portion of His Majesty's for to whom the surrender or by whom the arrest was made, and stati the fact, date, and place of such surrender or arrest shall be eviden of the matters so stated:

(*k*) Where the proceedings are proceedings against an officer or airma on a charge of being a deserter or absentee without leave and the offic or airman has been delivered into air-force custody by a police offic in charge of a police station in the United Kingdom, a certificate p porting to be signed by such police officer, and stating the fact, da and place of the surrender of the officer or airman shall be evidence the matters so stated.

(2) For the purposes of this Act the expression "Government printer means any printer to His Majesty, and in India any Government pres

Evidence of civil conviction or acquittal.

164. Whenever any person subject to this Act has been tried by any ci court, the clerk of such court or his deputy, or other officer having the custo of the records of such court, shall, if required by the commanding officer of su person, or by any other officer, transmit to him a certificate setting forth t offence for which the person was tried, together with the judgment or ord of t e court thereon, or if he was acquitted, the acquittal, and shall be allowed f such certificate a fee of three shillings. Any such certificate shall be sufficie evidence of the conviction and sentence or of the order of the court or of th acquittal of the prisoner, as the case may be.

Evidence of conviction by court-martial.

165. The original proceedings of a court-martial, purporting to be signed by the president thereof, and being in the custody of the officer having the lawful custody thereof, shall be deemed to be of such a public nature as to be admissible in evidence on their mere production from such custody; and any copy purporting to be certified by the officer having such custody as aforesaid, to be a true copy of such proceedings or of any part thereof, shall be admissible in evidence without proof of the signature of such officer; and a Secretary of State upon production of any such proceedings or certified copy, may, by warrant under his hand, authorise the offender appearing therefrom to have been convicted and sentenced to any punishment, to be imprisoned and otherwise dealt with in accordance with the sentence in the proceedings or certified copy mentioned.

Summary and other Legal Proceedings.

Summary and other Legal Proceedings.

Prosecution of offences, and recovery and application of fines.

166.—(1) A court of summary jurisdiction having jurisdiction in the place where the offence was committed or in the place where the offender may for the time being be shall have jurisdiction over all offences triable in a civil court under this Act, except any such offence as is declared by this Act to be a misdemeanour, or to be punishable on indictment; and any offence within the jurisdiction of a court of summary jurisdiction may be prosecuted, and the fine and forfeiture in respect thereof may be recovered on summary conviction, in manner provided by the Summary Jurisdiction Acts.

(2) Any proceedings taken before a court of summary jurisdiction in pursuance of this Act shall be taken in accordance with the Summary Jurisdiction Acts so far as applicable.

(3) A court of summary jurisdiction imposing a fine in pursuance of this Act may, if it seem fit, order a portion of such fine not exceeding one half to be paid to the informer.

(4) Where the maximum fine or imprisonment which a court of summary jurisdiction in England, when sitting in an occasional courthouse, is authorised by law to impose is less than the minimum fine or imprisonment fixed by this Act, the court may impose the maximum fine or imprisonment which such court is authorised by law to impose, but if required by either party, shall adjourn the case to the next practical petty sessional court.

(5) The court of summary jurisdiction in Ireland, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

(6) Subject to the provisions of this Act with regard to the payment to the informer, fines and other sums recovered before a court of summary jurisdiction in pursuance of this Act shall, notwithstanding anything contained in any other Act if recovered in England, be paid into the Exchequer, and if recovered in Ireland, shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Acts amending the same. 14 & 15 Vict. c. 90.

Summary proceedings in Scotland.

167.—(1) In Scotland, offences and fines which may be prosecuted and recovered on summary conviction may be prosecuted and recovered and proceedings under this Act may be taken at the instance of the procurator fiscal of the court, or of any person in that behalf authorised by the Air Council, or of any person authorised by this Act to complain.

(2) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to

be specified in the order or conviction, but not exceeding three months, and the conviction and warrant may be in the form number three of Schedule K of the Summary Procedure Act, 1864.

27 & 28 Vict. c. 53.

(3) All fines and other sums recovered under this Act before a court of summary jurisdiction, subject to any payment made to the informer, shall be paid to the King and Lord Treasurer's Remembrancer, on behalf of His Majesty.

(4) It shall be no objection to the competency of a person to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such person.

(5) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction.

(6) All jurisdictions, powers, and authorities necessary for the purposes of this Act are conferred on the sheriffs and their substitutes and on justices of the peace.

(7) The court may make, and may also from time to time alter or vary summary orders under this Act on petition by the procurator fiscal of the court or such person as aforesaid, presented in common form.

Summary proceedings in Isle of Man, Channel Islands, India and the colonies.

168. All offences under this Act which may be prosecuted, and all fines under this Act which may be recovered on summary conviction, and all proceedings under this Act which may be taken before a court of summary jurisdiction may be prosecuted and recovered and taken in the Isle of Man, Channel Islands, India, and any colony in such courts and in such manner as may be from time to time provided therein by law, or if no express provision is made, then in and before the courts and in the manner in which the like offences and fines may be prosecuted and recovered and proceedings taken therein by law or as near thereto as circumstances admit.

Power of Governor-General of India and legislature of colony as to fines.

169. It shall be lawful for the Governor-General of India, and for the legislature of any colony, to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor-General or legislature to be better adapted to the pecuniary means of the inhabitants, and also to declare the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act.

Protection of persons acting under Act.

170.—(1) Any action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3) Every such action, and also every action against a member or minister of a court-martial in respect of a sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in one of His Majesty's superior courts in the United Kingdom (which courts shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India, or in any Colonial court of superior jurisdiction, provided the matter complained of occurred within the jurisdiction of such Indian or Colonial court respectively, and in no other court whatsoever.

Exercise of powers vested in holder of office.

171. Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any air-force office may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service, or according to rules made under section seventy of this Act.

Provisions as to warrants and orders of authorities.

172.—(1) Where any order is authorised by this Act to be made by the Air Council or by any general or other officer commanding, such order may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of the Air Council or such general or other officer commanding, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised shall be evidence of his being so authorised.

(2) The foregoing enactment of this section shall extend to any order or direction issued in pursuance of this Act in relation to an air-force convict or air-force prisoner or airman undergoing detention, and any such order or directions shall not be held void by reason of the death or removal from office of the officer signing or ordering the issue of the same, or by reason of any defect in such order or directions, if it be alleged in such order or directions that the convict or prisoner or airman has been convicted, and there is a good and valid conviction to sustain the order or directions.

(3) An order in any case if issued in the prescribed form shall be valid, but an order deviating from the prescribed form if otherwise valid shall not be rendered invalid by reason only of such deviation.

(4) Where any air-force convict or air-force prisoner or airman undergoing detention is for the time being in custody, whether air-force or civil, in any place or manner in which he might legally be kept in pursuance of this Act, the custody of such convict or prisoner or airman shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant, or other document, or the authority by or in pursuance whereof such convict or prisoner or airman was brought into or is detained in such custody, and any such order, warrant, or document may be amended accordingly.

(5) Where an air-force convict, or an air-force prisoner, or an airman undergoing detention, or a person who is subject to this Act and charged with an offence, is a prisoner or airman in air-force custody, and for the purpose of conveyance by sea is delivered on board a ship to the person in command of the ship or to any person on board the ship acting under the authority of the commander, the order of the air-force authority which authorises the prisoner or airman to be conveyed by sea shall be a sufficient authority to such person, and to the person for the time being in command of the ship, to keep the said prisoner or airman in custody and convey him in accordance with the order, and the prisoner or airman while so kept shall be deemed to be kept in air-force custody.

Furlough in case of sickness.

173. If any airman on furlough is detained by sickness or other casualty rendering necessary any extension of such furlough in any place, and there is not any officer in the performance of air-force duty of the rank of captain, or of higher rank, within convenient distance of the place, any justice of the peace who is satisfied of such necessity may grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of such airman, if known, and if not, then to the Air Council. The airman may be recalled to duty by his commanding officer or other competent air-force authority, and the furlough shall not be deemed to be extended after such recall; but, save as aforesaid, the airman shall not in respect of the period of such extension of furlough, be liable to be treated as a deserter, or as absent without leave.

Licences of canteens.

174.—(1) When a person holds a canteen under the authority of a Secreta of State or the Admiralty, it shall be lawful for any two justices within th respective jurisdictions to grant, transfer, or renew any licence for the ti being required to enable such person to obtain or hold any excise licence for t sale of any intoxicating liquor, without regard to the time of year, and witho regard to the requirements as to notices, certificates, or otherwise, of any A for the time being in force affecting such licences; and excise licences may granted to such persons accordingly.

(2) For the purposes of this section the expression licence includes a licence or certificate for the time being required by law to be granted, renew or transferred by any justices of the peace, in order to enable any person obtain or hold any excise licence for the sale of any intoxicating liquor.

52 Vict. c. 3. Use of recreation rooms without license 25 Geo. 2. c. 36 6 & 7 Vict. c. 68.

174A. Notwithstanding anything in the Disorderly Houses Act, 1751, in the Theatres Act, 1843, where a recreation room is managed or conducted und the authority of a Secretary of State or the Admiralty, it may be used for publ dancing, music, or other public entertainment of the like kind or for the publ performance of stage plays, without any licence in pursuance of those Act or either of them.

PART V.

APPLICATION OF THIS ACT, SAVING PROVISIONS, AND DEFINITIONS.

Persons subject to Act.

Persons subject to Act.

Persons subject to Act as officers.

175. The persons in this section mentioned are persons subject to this A as officers, and this Act shall apply accordingly to all the persons so specifie that is to say,

(1) Officers of the regular air force on the active list, within the meani of any Royal Warrant for regulating the pay and promotion of th regular air force, and officers not on such active list who are employ on air-force service under the orders of an officer of the regular air-for who is subject to this Act:

(1A) Any officer of the naval or military forces of the Crown who is attach or lent to, or seconded for service with the air force, subject, howev to the modifications contained in this Act and with this exceptio that if the members of the body of the air force with which any su naval officer is serving are themselves subject to the Naval Disciplin Act he shall remain subject to that Act:

(2) Officers who are members of the permanent staff of the auxiliary a force and are not otherwise subject to this Act:

(3A) Officers of the auxiliary air force other than members of the permane staff.

(4) All such persons not otherwise subject to this Act as may be servi in the position of officers of any air force or portion of an air for raised by order of His Majesty beyond the limits of the United Kingdo and of India, and serving under the command of an officer of the regul air force:

Provided that nothing in this Act shall affect the application to suc persons of any Act passed by the legislature of a colony:

(7) Every person not otherwise subject to this Act who, under the general or special orders of the Air Council or of the Governor-General of India, accompanies in an official capacity equivalent to that of officer His Majesty's air force on active service in any place:

(8) Any person, not otherwise subject to this Act, accompanying any part of the air force on active service, who shall hold from the commanding officer of such part a pass, revocable at the pleasure of such commanding officer, entitling such person to be treated on the footing of an officer:

(10) Any reserve officer within the meaning of the Royal Warrant regulating the composition of the reserve of air-force officers, if an officer holding a commission as officer in the special reserve at all times, and if not holding such a commission when he is ordered on any duty or service for which, as such reserve officer, he is liable:

(11) All officers belonging to an air force raised in India or a colony, when attached to or doing duty with any portion of the regular, reserve, or auxiliary air force in the United Kingdom:

(12) All officers of a force raised in India or a colony to which this Act is, in whole or in part, applied by the law of India or the colony, at such times and subject to such adaptations, modifications, and exceptions as may be specified in such law.

Persons subject to Act as airmen.

176. The persons in this section mentioned are persons subject to this Act as airmen, and this Act shall apply accordingly to all the persons so specified; that is to say,

(1) All airmen of the regular air-force:

(1A) All petty officers, non-commissioned officers, and seamen and soldiers of the naval or military forces of the Crown who are attached or lent to the air force, subject, however, to the modifications contained in this Act, and with this exception, that if the members of the body of the air-force with which any such petty officer or seaman of the naval forces is serving are themselves subject to the Naval Discipline Act, he shall remain subject to that Act:

(2) All non-commissioned officers and men of the permanent staff of the auxiliary air force who are not otherwise subject to this Act:

(3) All non-commissioned officers and men serving in a force raised by order of His Majesty beyond the limits of the United Kingdom and of India, and serving under the command of an officer of the regular air force:

Provided that nothing in this Act shall affect the application to such non-commissioned officers and men of any Act passed by the legislature of a colony:

(4) All pensioners not otherwise subject to this Act who are employed in air-force service under the orders of an officer of the regular air force:

(5) All non-commissioned officers and men belonging to the air-force reserve—

(a) When called out for training and exercise; and

(c) When called out on permanent service; and

(d) When employed in air-force service under the orders of an officer of the regular air force:

(6A) All non-commissioned officers and men belonging to the auxiliary air force—

(a) When they are being trained or exercised either alone or with any portion of the regular air force or otherwise; and

(b) When attached to or otherwise acting as part of or with any regular air force; and

(c) When embodied; and

(d) When called out for actual air-force service, for purposes of defence in pursuance of any agreement.

(8A) All non-commissioned officers and men belonging to a force ra in India or a colony when attached to or otherwise acting as par or with any portion of the regular, reserve, or auxiliary air force in United Kingdom:

(9) All persons who are employed by or are in the service of any par His Majesty's air force when employed on active service, and are not under the former provisions of this Act subject to this Act

(10) All persons not otherwise subject to this Act who are followers o accompany His Majesty's air force, or any portion thereof, w employed on active service:

(11) All non-commissioned officers and men belonging to a force raised in I or a colony to which this Act is, in whole or in part, applied by law of India or the colony, at such time and subject to such adaptati modifications, and exceptions as may be specified in such law.

Persons belonging to colonial forces and subject to Act as officers or airmen.

177. Where any air force is raised in India or in a colony, any law of I or the colony may extend to the officers, non-commissioned officers and belonging to such force, whether within or without the limits of India or colony; and any such law may apply, in relation to such force and to officers, non-commissioned officers, and men thereof, all or any of the provisi of this Act, subject to such adaptations, modifications, and exceptions as be specified in such law, and where so applied this Act shall have effect in relat to such force subject to such adaptations, modifications, and exceptions aforesaid; and where any such force is serving with part of His Majes regular air force, then so far as the law of India or the colony has not provi for the government and discipline of such force, this Act and any other for the time being amending the same shall, subject to such exemptions modifications as may be specified in the general orders of the general off commanding the part of His Majesty's air force with which such force is serv apply to the officers, non-commissioned officers, and men of such force, in manner as they apply to the officers, non-commissioned officers, and men of regular air force.

This section shall not apply to any officer belonging to any such force w attached to or doing duty with, or to any non-commissioned officer or belonging to any such force when attached to or otherwise acting as part o with, any portion of the regular reserve, or auxiliary air force in the U Kingdom.

Mutual relations of regular forces and auxiliary forces.

178. When officers, non-commissioned officers, and men belonging to auxiliary air force, or any pensioners, are subject to this Act, and when commissioned officers and men belonging to the air force reserve are sub to this Act, otherwise than when called out on permanent service, such offic non-commissioned officers, men and pensioners shall be subject to this Act all respects as if they were part of the regular air force, and the provision this Act shall be construed as if such officers, non-commissioned officers, and pensioners were included in the expression "regular air force": Provi that nothing in this section contained shall affect the conditions of servic any officer, non-commissioned officer, or man belonging to such auxiliary reserve forces, or of any pensioner.

Application of Naval Discipline Act to air force serving on commissioned ships.

179. Officers and airmen of the air force during the time they are b on the books of any of His Majesty's ships in commission (unless made sub to this Act as hereinafter provided) shall be subject to the Naval Discipline and to the laws for the government of the officers and seamen in His Majes Navy, and the rules for the discipline of His Majesty's Navy, for the time be

shall be tried and punished for any offence in the same manner as officers and seamen in His Majesty's Navy:

Provided that—

(*a*) this provision shall not prevent the application of this Act to any person dealing with or having any relations with any such officer or airman, or to any such officer or airman if found on shore as a deserter or absentee without leave;

(*b*) if any such officer or airman is employed on land the senior naval officer present may, if it seems to him expedient, order that he shall during such employment be subject to this Act, and while such order is in force he shall be subject to this Act accordingly;

(*c*) if any such officer or airman commits an offence for which he is not amenable to a naval court-martial but for which he can be punished under this Act, he may be tried and punished for such offence under this Act.

Modification of Act with respect to sailors and soldiers attached to air force.

179A.—(1) Where an officer, petty officer, or seaman of the naval forces when not subject to the Naval Discipline Act, or an officer, non-commissioned officer, or soldier of the military forces, is attached, or lent to, or seconded for service with, the regular air force, this Act shall apply to him, subject to the following modifications:—

(*a*) a general court-martial for the trial of any such officer, petty officer, non-commissioned officer, seaman, or soldier shall not be convened except—

(i) in the case of an officer, petty officer, or seaman of the naval forces, by the Admiralty, or by an officer authorised by a warrant from the Admiralty in pursuance of this section;

(ii) in the case of an officer, non-commissioned officer, or soldier of the military forces, by His Majesty, or by an officer authorised to convene a general court-martial under the Army Act (who shall have power to convene a general court-martial for the purposes of this section);

except that where the officer, petty officer, non-commissioned officer, seaman, or soldier is serving beyond the seas with a body of the regular Air Force, and in the opinion of the general or other officer commanding that body (such opinion to be stated in the order convening the court and to be conclusive) there is not present any officer so authorised to convene a general court-martial under this section, a general court-martial convened by such general or other officer, if authorised to convene general courts-martial under this Act, may try such officer, petty officer, non-commissioned officer, seaman, or soldier;

(*b*) A district court-martial for the trial of any such petty officer, non-commissioned officer, seaman, or soldier may be convened by any officer having authority to convene a district court-martial for the trial of an airman of the regular air force;

(*c*) Any power in relation to the convening of courts-martial, or of authorising an officer to convene courts-martial, or to delegate the powers of convening courts-martial, or of confirming the findings and sentences of courts-martial, or otherwise in relation to courts-martial, which under this Act His Majesty may exercise by any warrant or warrants, may, as respects any such officer, petty officer, or seaman of the naval forces, be exercised in His Majesty's name by a warrant or warrants from the Admiralty; and any such warrant may be addressed to any officer to whom any warrant of His Majesty can be addressed;

(*d*) Without prejudice to any power of confirmation, the findings and sentences of any general court-martial on any such officer, petty officer, non-commissioned officer, seaman, or soldier may be confirmed, in

the case of an officer, petty officer, or seaman of the naval forces, by the Admiralty, and, in the case of an officer, non-commissioned officer or soldier of the military forces, by His Majesty, or, in either case, an officer authorised under this section to convene the same;

(*e*) Anything required or authorised by this Act to be done by, to or before a Secretary of State or the Air Council may as regards any such officer, petty officer, or seaman of the naval forces be done by, to, or before the Admiralty, and the provisions of this Act shall be construed, so far as respects any such officer, petty officer, or seaman, as if "the Admiralty" were substituted for "Secretary of State" and "Air Council" wherever those words occur;

(*f*) Anything required or authorised by this Act to be done by, to, or before the Air Council may, as regards any such officer, non-commissioned officer, or soldier of the military forces, be done by, to, or before the Army Council, and the provisions of this Act shall be construed, so far as respects any such officer, non-commissioned officer, or soldier, as if "Army Council" were substituted for "Air Council" wherever those words occur;

(*g*) If any such officer, petty officer, non-commissioned officer, seaman, or soldier commits an offence for which he is not amenable under this Act, but for which he can be punished under the Naval Discipline Act or, as the case may be, the Army Act, he may be tried and punished for such offence under that Act.

(2) In the application of this section to the Royal Marines, petty officer and seaman of the naval forces shall mean non-commissioned officer and man of the Royal Marines.

Modification of Act with respect to His Majesty's forces in India.

180.—(1) In the application of this Act to His Majesty's forces when serving in India the following modification shall be made:—

A court-martial may take the same proceedings for the punishment of any person not subject to this Act, who in any part of India, commits an offence as a witness before a court-martial, or is guilty of a contempt of a court-martial, as might be taken by any civil court in that part of India in the case of the like offence in that court, and any court in which such proceedings are taken shall have jurisdiction to punish such person accordingly.

(3) In this Act, so far as regards India, any reference to an indictable offence or an offence punishable on indictment, shall be deemed to refer to an offence punishable with rigorous imprisonment.

Modification of Act with respect to auxiliary forces.

181.—(1) The provisions of this Act with respect to enlistment shall not apply to a person enlisted or enrolled in the auxiliary air force, except so far as such person enlists or enrols himself, or attempts to enlist or enrol himself in the regular air force or in a force raised in India or a colony, and except so far as the said provisions may be applied by any other Act.

(2) The provisions of this Act shall apply to the permanent staff of the auxiliary air force who are not otherwise part of the regular air force, in like manner as if such permanent staff were part of the regular air force.

(3) The provisions of this Act with respect to billeting and impressment of carriages shall apply to the auxiliary air force when subject to this Act, in like manner as if they were part of the regular air force, subject to the following modification.

(4) An order issued and signed as a route or an order signed by the officer commanding the unit of the auxiliary air force shall be substituted for a route,—

(*a*) In the case of any man of the auxiliary air force attending for his preliminary training; and

(*b*) In the case of any officer, non-commissioned officer, or man of the auxiliary air force, assembled for training and exercise at the place in the United Kingdom appointed by His Majesty in that behalf; and

(*c*) In the case of any officer, non-commissioned officer, or man of the auxiliary air force, embodied under an order of His Majesty, who has joined his corps or unit at the place appointed for his assembling;

and an order to billet such officer, non-commissioned officer, or man, purporting to be signed in manner required by this Act in the case of a route or by the officer commanding an unit of the auxiliary air force, shall be evidence, until the contrary is proved, of the order being issued in accordance with this Act, and when delivered to an officer, non-commissioned officer, or man, of the auxiliary air force, shall be a sufficient authority to such officer, non-commissioned officer, or man, to demand billets, and when produced by an officer, non-commissioned officer, or man, to a constable shall be conclusive evidence to such constable of the authority of the officer, non-commissioned officer, or man, producing the same to demand billets in accordance with the order.

(5) The competence or liability of an officer of the auxiliary air force to be nominated or elected to, or to hold, the office of sheriff, mayor, or alderman, or an office in a municipal corporation, shall not be affected by reason of the unit or corps to which he belongs being assembled for annual training at the time of such nomination or election, or during the time of his tenure of office.

(6) When a member of the auxiliary air force, being a non-commissioned officer or private, is subject to this Act, a dismissal may be awarded to him as a punishment, in the event of his committing any offence triable by court-martial or punishable by a commanding officer under this Act.

Special provisions as to warrant officers.

182. The provisions of this Act shall apply to a warrant officer not holding an honorary commission in like manner as if he were a non-commissioned officer, subject nevertheless (in addition to the modifications for a non-commissioned officer) to the following modifications:—

(1) He shall not be punished by his commanding officer nor sentenced by a district court-martial to any punishment not in this section mentioned; and

(2) He may be sentenced—

(*a*) by a district court-martial to such forfeitures, fines, and stoppages as are allowed by this Act, and, either in addition to or in substitution for any such punishment, to be dismissed from the service or to be reduced to the bottom or any other place in the list of the rank which he holds, or to be reduced to an inferior class of warrant officer (if any), or to be reduced to a lower grade, or if he was originally enlisted as an airman, but not otherwise, to the ranks; or

(*b*) by any court-martial having power to try him, other than a district court-martial, to any punishment which under this section a district court-martial has power to award, either in addition to or in substitution for any other punishment;

(4) The president of a court-martial for the trial of a warrant officer shall in no case be under the rank of captain.

Special provisions as to non-commissioned officer.

183. In the application of this Act to a non-commissioned officer the following modifications shall apply:—

(1) The obligation on a commanding officer to deal summarily with an airman charged with drunkenness shall not apply to a non-commissioned officer charged with drunkenness:

(2) The Air Council, and on active service the officer commanding-in-c in the field (whether such officer is an officer of the air force Army Navy) and any general or flag officer he or the Air Council may appo may reduce any non-commissioned officer to any lower grade or to ranks :

(3) A non-commissioned officer may, by the sentence of a court-mart be ordered to forfeit seniority of rank or be reduced to any lower gr or to the ranks, either in addition to or without any other punishm in respect of an offence :

(4) A non-commissioned officer sentenced by court-martial to penal servitu field punishment, imprisonment or detention shall be deemed to reduced to the ranks ;

Provided that—

(*a*) An air-force schoolmaster shall not be liable to be reduced to the ra (unless he has been transferred from the ranks, in which case he m be reduced to the rank which he held at the date of transfer), but m nevertheless be sentenced by a court-martial to penal servitude, i prisonment or detention or to a lower grade of pay, or to be dismiss and if sentenced to penal servitude or imprisonment shall be deemed be dismissed ; but

(*b*) The Air Council may dismiss an air-force schoolmaster ;

(*c*) An airman being an acting non-commissioned officer by virtue of employment either in a superior rank or in an appointment may ordered by his commanding officer either for an offence or otherw to revert to his permanent grade as a non-commissioned officer, if he has no permanent grade above the ranks, to the ranks.

Special provisions as to application of Act to persons not belonging to His Majesty's forces.

184. In the application of this Act to persons who do not belong to H Majesty's forces, the following modifications shall be made :—

(1) Where an offence has been committed by any person subject to t Act who does not belong to His Majesty's forces, such persons may tried by any description of court-martial convened by an officer aut rised to convene such description of court-martial, within the limits whose command the offender may for the time being be, and may tried, and on conviction dealt with and punished accordingly :

(2) Any person subject to this Act who does not belong to His Majest forces shall, for the purposes of this Act relating to offences, be deem to be under the command of the commanding officer of the corps unit or portion of a corps or unit (if any) to which he is attached, a if he is not attached to any corps or unit or a portion of a corps or u under the command of any officer who may for the time being be nam as his commanding officer by the general or other officer commandi the force with which such person may for the time being be, or of a other prescribed officer, or, if no such officer is named or prescrib under the command of the said general or other officer commandi but such person shall not be liable to be punished by a commandi officer :

Provided that a general or other officer commanding shall not pl a person under the command of an officer of rank inferior to the offic rank of such person if there is present, at the place where such pers is, any officer of higher rank under whose command he can be placed.

Relations between air, military and naval forces acting together. 5 Geo. 5. c. 26.

184A.—(1) Where an officer or petty officer in the Navy is a member of body of His Majesty's naval forces acting with any body of His Majesty's force under such conditions as may be prescribed by regulations made by t Admiralty and Air Council, then, for the purposes of command and discipli and for the purposes of the provisions of this Act relating to superior officer

shall, in relation to such body of His Majesty s air force as aforesaid, be treated d have all such powers (other than powers of punishment) as if he were an r-force officer or non-commissioned officer as the case may be.

(1A) Where an officer or non-commissioned officer of the Army is a member a body of His Majesty's military forces acting with any body of His Majesty's r force under such conditions as may be prescribed by regulations made by the rmy Council and Air Council, then, for the purposes of command and discipline d for the purposes of the provisions of this Act relating to superior officers, shall, in relation to such body of His Majesty's air force as aforesaid, be treated d have all such powers (other than powers of punishment) as if he were an r-force officer or non-commissioned officer as the case may be :

Provided that under regulations made by the Air Council and Army Council, e officers and soldiers of a body of His Majesty's military forces acting with ny body of the air force on active service, or any of such officers or soldiers, ay, in such manner and in such circumstances and subject to such conditions may be provided by or under those regulations, be made subject to this Act, d in such case they shall be subject thereto in like manner as if they were ficers and soldiers attached to the air force.

(2) Where any officer or airman is a member of a body of His Majesty's r force acting with any body of His Majesty's naval or military forces under such nditions as may be prescribed by regulations made by the Air Council, and s the case may be, the Admiralty or the Army Council and such officer or airman not borne on the books of any of His Majesty's ships in commission, then, for e purposes of command and discipline and for the purposes of the provisions this Act relating to superior officers, the officers and petty officers of such val body or the officers and non-commissioned officers of such military body s the case may be) shall, in relation to him, be treated and have all such powers ther than powers of punishment) as if they were air-force officers or non-mmissioned officers.

(3) The relative rank of naval and military and air-force officers, petty ficers, and non-commissioned officers shall, for the purposes of this section, e such as is provided by the King's Regulations and Admiralty Instructions r the time being in force.

Saving Provisions.

Saving Provisions.

Special provisions as to prisoners and prisons in Ireland.

185. All jurisdiction and powers of a Secretary of State under this Act with spect to air-force convicts or air-force prisoners, or to prisons other than air-rce prisons, shall in Ireland be vested in the General Prisons Board, and shall e exercised by that Board in the manner and subject to the regulations in and nder which the jurisdiction and powers of that board are exercised under the eneral Prisons (Ireland) Act, 1877, and the provisions of this Act with respect the orders and regulations of the Secretary of State shall apply to the orders nd regulations of such Board.

Saving of Naval Discipline Act as to forces when on board His Majesty's ships.

186. Nothing in this Act shall affect the application of the Naval Discipline ct or any Order in Council made thereunder to any of His Majesty's forces hen embarked on board any ship commissioned by His Majesty, and the uxiliary air force shall be deemed to be part of His Majesty's forces within the eaning of that Act.

Definitions.

Definitions.

Application of Act to Channel Islands and Isle of Man.

187. This Act shall apply to the Channel Islands and the Isle of Man in like anner as if they were part of the United Kingdom, subject to the following odifications :—

(1) The provisions of this Act relating to billeting and the impressment of carriages shall not extend to the Channel Islands and the Isle of Man :

(2) For the purposes of the provisions of this Act relating to the execu
of sentences of penal servitude, imprisonment or detention, and
prisons and detention barracks, the Channel Islands and the Is
Man shall be deemed to be colonies, and any sentence of penal servi
imprisonment or detention, passed in any of those islands shal
deemed to have been passed in a colony:

Application of Act to ships.

188. Where a person subject to this Act is on board a ship, this Act s
apply until he arrives at the port of disembarkation in like manner as if he
the officers in command of him were on land at the place at which he emba
on board the said ship, subject to this proviso, that, if he is tried and sente
while so on board ship, any finding and sentence, so far as not confirmed
executed on board ship, may be confirmed and executed in like manner a
such person had been tried at the port of disembarkation.

Interpretation of term "on active service"

189.—(1) In this Act, if not inconsistent with the context, the expres
"on active service" as applied to a person subject to this Act means when
he is attached to or forms part of a force which is engaged in operations ag
the enemy or is engaged in warlike operations in a country or place wholl
partly occupied by an enemy, or is in military occupation of any foreign cou

(2) Where the governor of a colony in which any part of His Majesty's
force is serving, or if part of such force is serving out of His Majesty's domini
the general officer commanding such part, declares at any time or times t
by reason of the imminence of active service or of the recent existence of ac
service, it is necessary for the public service that the force in the colony or u
his command, as the case may be, should be temporarily subject to this
as if it was on active service, then, on the publication in general orders of
such declaration, the force to which the declaration applies shall be dee
to be on active service for the period mentioned in the declaration, so that
period mentioned in any one declaration do not exceed three months from
date thereof.

(3) If at any time during the said period the governor or general officer
the time being is of opinion that the necessity continues he may from time
time renew such declaration for another period not exceeding three mon
and such renewal shall be published and have effect as the original declarat
and if he is of opinion that the said necessity has ceased, he shall state s
opinion, and on the publication in general orders of such statement, the f
to which the declaration applies shall cease to be deemed to be on active serv

(4) Every such declaration, renewal of declaration, and statement by
governor of a colony shall be made by proclamation published in the off
gazette of the colony, and it shall be the duty of every governor or gene
officer making a declaration or renewal of a declaration under this section
he has the means of direct telegraphic communication with a Secretary of St
to obtain the previous consent of the Secretary of State to such declaratio
renewal, and in any other case to report the same with the utmost practic
speed to the Secretary of State.

(5) The Secretary of State may, if he thinks fit, annul a declaration
renewal purporting to be made in pursuance of this section, without preju
to anything done by virtue thereof before the date at which the annulment t
effect, and until that date any such declaration or renewal shall be deeme
have been duly made in accordance with this section, and shall have full eff

Interpretation of terms.

190. In this Act, if not inconsistent with the context, the following ex
sions have the meanings hereinafter respectively assigned to them; that i
say,

(1) The expression "Secretary of State" means one of His Majes
Principal Secretaries of State:

(2) The expression "Lord Lieutenant of Ireland" includes the lords justices or other chief governor or governors of Ireland:

(4) The expression "officer" means an officer commissioned or in pay as an officer in the air force, or any arm, branch, or part thereof; it also includes a person who, by virtue of his commission, is appointed to any department or corps or unit of the air force, or of any arm, branch, or part thereof; it also includes a person, whether retired or not, who, by virtue of his commission or otherwise, is legally entitled to the style and rank of an officer of the air force, or of any arm, branch, or part thereof:

Warrant and other officers holding honorary commissions are officers within the meaning of this Act, subject to the exceptions in this Act mentioned:

(5) The expression "non-commissioned officer" includes an acting non-commissioned officer, and includes an air-force schoolmaster when not a warrant officer, but save as is in this Act mentioned does not include a warrant officer not holding an honorary commission:

(6) The expression "airman" does not include an officer as defined by this Act, but, with the modifications in this Act contained in relation to warrant officers and non-commissioned officers, does include a warrant officer not having an honorary commission and a non-commissioned officer, and every person subject to this Act during the time that he is so subject:

(7) The expression "superior officer" when used in relation to an airman, includes a warrant officer not holding an honorary commission, and also includes a non-commissioned officer as above defined:

(8) The expressions "regular air force" and "His Majesty's regular air force" mean officers and airmen who by their commission, terms of enlistment, or otherwise, are liable to render continuously for a term air-force service to His Majesty in any part of the world, including airmen of the air-force reserve when called out on permanent service:

(15) The expression "corps" means any such body of the air force as may be from time to time declared by Royal Warrant to be a corps for the purpose of this Act; and the expression "unit" means any such unit of the air force as may be from time to time declared by orders or regulations as to the government of the air force to be a unit for any of the purposes of this Act:

(17) The expression "service" when qualifying institution, necessaries, books, band, mess, money, goods, and other property, means belonging to or connected with the air service or any unit or part of a unit thereof:

(18) The expression "decoration" means any medal, clasp, good-conduct badge, or decoration:

(19) The expression "air-force reward" means any gratuity or annuity for long service or good conduct; it also includes any good-conduct pay or pension and any other air-force pecuniary reward:

(20) The expression "enemy" includes all armed mutineers, armed rebels, armed rioters, and pirates:

(21) The expression "India" means British India, together with any territories of any native prince or chief under the suzerainty of His Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India; and the expression "British India" means all territories and places within His Majesty's dominions which are for the time being governed by His Majesty through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India:

(23) The expression "colony" means any part of His Majesty's dominions exclusive of the British Islands and of British India, and include Cyprus, and any British protectorate and where parts of such dominion are under both a central and a local legislature, all parts under th central legislature shall, for the purposes of this definition, be deeme to be one colony:

(24) The expression "foreign country" means any place which is not situat in the United Kingdom, a colony, or India, as above defined, and i not on the high seas:

(25) The expression "beyond the seas" means out of the United Kingdom the Channel Islands, and Isle of Man; and the expression "statio beyond the seas" includes any place where any of His Majesty's force are serving out of the United Kingdom, the Channel Islands, and Isl of Man:

(26) The expression "governor-general" in its application to India mean the Governor-General of India in Council:

(27) The expression "governor" in its application to a colony means th Governor-General, Governor, High Commissioner, or Commissioner and includes the lieutenant-governor or other officer administerin the Government of the colony:

(28) The expressions "oath" and "swear" and other expressions relatin thereto, include affirmation or declaration, affirm or declare, and ex pressions relating thereto, in cases where an affirmation or declaratio is by law allowed instead of an oath:

(29) The expression "superior court," in the United Kingdom means Hi Majesty's High Court of Justice in England, the Court of Session i Scotland, and His Majesty's High Court of Justice at Dublin:

(30) The expression "supreme court" means, as regards India, any hig court or any chief court; and the expression "court of superior juris diction," as regards a colony, means a court exercising in that colon the like authority as the High Court of Justice in England:

(31) The expression "civil court" means, with respect to any crime o offence, a court of ordinary criminal jurisdiction, and includes a cou of summary jurisdiction:

(32) The expression "prescribed" means prescribed by any rules of pro cedure made in pursuance of this Act:

(33) The expression "misdemeanour" as far as regards Scotland, mean a crime or offence, and so far as regards India, means a crime punishabl by fine and rigorous or simple imprisonment at the discretion of th court:

(34) The expression "Summary Jurisdiction Acts"—

"Summary Jurisdiction Acts." 42 & 43 Vict. c. 49. 27 & 28 Vict. c. 53. 14 & 15 Vict. c. 93.

(a) As regards England, has the same meaning as in the Summary Juris diction Act, 1879;

(b) As regards Scotland, means the Summary Procedure Act, 1864, an any Acts amending the same; and

(c) As regards Ireland, means within the police district of Dubli metropolis, the Acts regulating the powers and duties of justices o the peace for such district, or of the police of such district; an elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, an any Act amending the same:

"Court of summary jurisdiction."

(35) The expression "court of summary jurisdiction"—

(a) As regards England has the same meaning as in the Summary Juris diction Act, 1879; and

(b) As regards Ireland means any justice or justices of the peace, police magistrate, stipendiary or other magistrate, or officer, by whatever

name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and

(*c*) As regards Scotland, means the sheriff or sheriff substitute, or any two justices of the peace sitting in open court; or any magistrate or magistrates to whom jurisdiction is given by the Summary Procedure (Scotland) Act, 1864; and

(*d*) As regards India, a colony, the Channel Islands and Isle of Man, means the court, justices or magistrates who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable: 27 & 28 Vict. c. 53.

(36) The expression "court of law" includes a court of summary jurisdiction:

(37) The expression "county court judge" includes—

(*a*) In the case of Scotland, the sheriff or sheriff substitute; and

(*b*) In the case of Ireland, the judge of the Civil Bill Court:

(38) The expression "constable" includes a high constable and a commissioner, inspector or other officer of police:

(39) The expression "police authority" means the commissioner, commissioners, justices, watch committee or other authority having the control of the police force:

(40) The expression "horse" includes a mule, and the provisions of this Act shall apply to any beast of whatever description, used for burden or draught or for carrying persons in like manner as if such beast were included in the expression "horse":

(41) The expression "soldier" has the same meaning as in the Army Act:

(42) The expression "aircraft" includes aeroplanes, balloons, kite balloons, airships, or other machines for flying:

(43) The expression "aircraft material" includes any engines, fittings, guns, gear, instruments, or apparatus for use in connection with aircraft, and any components and accessories of aircraft, and petrol and any other substance used for providing motive power for aircraft, and lubricating oil:

(44) The expression "air signal" means any signal intended for the guidance of aircraft, whether given by flag, ground signal, light, wind-indicator, or in any other manner whatsoever:

(45) The expressions "the forces" and "His Majesty's forces" include His Majesty's naval, military, and air forces:

(46) The expression "field officer" means any officer above the rank of captain and below the rank of general officer.

Section 96.

SCHEDULES.

FIRST SCHEDULE.

Form of Oath to be taken by a Master whose Apprentice has absconded, and of Justice's Certificate annexed.

I, *A.B.*, of do make oath, that I am by trade a and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day for the term of years; and that the said did on or about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand nine hundred and

(Signed) *A.B.*

I hereby certify that the foregoing affidavit was sworn before me at this day of one thousand nine hundred and

(Signed) *C.D.*, Justice of the Peace for

Form of Oath to be taken by a Master whose indentured Labourer in India or a Colony has absconded and of Justice's Certificate annexed.

I, of do make oath, that was bound to me to serve as an indentured labourer by indenture dated the day of for the term of years, and that the said did on or about the day of abscond and quit my service without my consent. Witness my hand at this day of one thousand nine hundred and

(Signed) *A.B.*

I hereby certify, &c. [*as for apprentice*].

SECOND SCHEDULE.

Sections 106, 108.

BILLETING.

PART I.

Accommodation to be Furnished by Keeper of Victualling House.

A keeper of a victualling house on whom any officer, airman, or horse is billeted—

(1) Shall furnish the officer and airman with lodging and attendance; and

(2) Shall, if required by the airman, furnish him for every day of the march, and for no more than two days, if the airman is halted at an intermediate place on the march for more than two days, and on the day of arrival at the place of final destination, with breakfast, hot dinner, and supper on each day, such meals to consist of such quantities of food and drink as may from time to time be fixed by His Majesty's Regulations, not exceeding—

(*a*) For breakfast, six ounces of bread, one pint of tea with milk and sugar, four ounces of bacon;

(*b*) For hot dinner, one pound of meat previous to being dressed, eight ounces of bread, eight ounces of potatoes or other vegetables, one pint of beer or mineral water of equal value;

(*c*) For supper, six ounces of bread, one pint of tea with milk and sugar, two ounces of cheese; and

(3) When an airman is not so entitled to be furnished with "a meal," shall furnish the airman with candles, vinegar, and salt, and allow him the use of fire, and the necessary utensils for dressing and eating his meat; and

(4) Shall furnish stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw on every day for each horse.

For the purposes of this part of this Schedule the expression "furnished with lodging" shall include the provision of a separate bed for each officer and airman.

PART II.

Regulations as to Billets.

(1) When the troops are on the march the billets given shall, except in case of necessity or of an order of a justice of the peace, be upon victualling houses in or within one mile from the place mentioned in the route.

(2) Care shall always be taken that the billets be made out to the less distant victualling houses in which suitable accommodation can be found before billets are made out for the more distant victualling houses.

(3) Except in case of necessity, where horses are billeted, each man and his horse shall be billeted on the same victualling house.

(4) Except in case of necessity, one airman at least shall be billeted where there are one or two horses, and two airmen at least where there are four horses, and so in proportion for a greater number.

(5) Except in case of necessity, an airman and his horse shall not be billeted at a greater distance from each other than one hundred yards.

(6) When any airmen with their horses are billeted upon the keeper of a victualling house who has no stables, on the written requisition of the commanding officer present the constable shall billet the airmen and their horses, or the horses only, on the keeper of some other victualling house who has stables, and a court of summary jurisdiction upon complaint by the keeper of the last-mentioned victualling house may order a proper allowance to be paid to him by the keeper of the victualling house relieved.

(7) An officer demanding billets may allot the billets among the airmen under his command and their horses as he thinks most expedient for the public service, and may from time to time vary such allotment.

(8) The commanding officer may, where it is practicable, require that not less than two men shall be billeted in one house.

THIRD SCHEDULE.

Section 113.

IMPRESSMENT OF CARRIAGES.

Table of Rates of Payment for Carriages and Animals.

Carriages and Animals.	Rate per mile.
In Great Britain.	
A waggon with four or more horses, or a wain with six oxen, or four oxen, and two horses.	One shilling.
A waggon with narrow wheels, or a cart with four horses, carrying not less than fifteen hundredweight.	Ninepence.
Any other cart or carriage, with less than four horses and not carrying fifteen hundredweight.	Sixpence.
In Ireland.	
For every hundredweight loaded on any wheeled vehicle	One halfpenny.

The mileage when reckoned for the purpose of payment shall include the distance from home to the place of starting, and the distance home from the place of discharge.

Regulations as to Carriages and Animals.

(1) Where the whole distance for which a carriage is furnished is under one mile the payment shall be for a full mile.

(2) In Ireland, the minimum sum payable for a car shall be threepence, and for a dray, sixpence per mile.

(3) In Great Britain when the day's march exceeds fifteen miles, the justice granting his warrant may fix a further reasonable compensation for every mile travelled not exceeding, in respect of each mile, the rate of hire authorised to be charged by this Act; when any such additional compensation is granted, the justice shall insert in his own hand in the warrant the amount thereof.

(4) In Ireland the payment shall be at the same rate for each hundredweight in excess of the amount which the carriage is liable under this schedule to carry.

(5) A carriage shall not be required to travel more than twenty-five miles.

(6) A carriage shall not, except in case of pressing emergency, be required to travel more than one day's march prescribed in the route.

(7) In Great Britain a carriage shall not be required to carry more than thirty hundredweight.

(8) In Ireland a carriage shall not be required to carry, if a car, more than six hundredweight, and if a dray more than twelve hundredweight.

(9) The load for each carriage shall, if required, at the expense of the owner of the carriage and if the same can be done within a reasonable time without hindrance to His Majesty's service, be weighed before it is placed in the carriage.

Section 154.

FOURTH SCHEDULE.

Form of Descriptive Return.

Descriptive Return of who* at on the day , and was committed to confinement at on the day as a deserter [*or* absentee without leave] from the

* After the word "who," to be inserted either the words "was apprehended," or "surrende himself," as the case may be.

Age	
Height	Feet. Inche
Complexion	
Hair	
Eyes	
Marks	
In uniform or plain clothes	
Probable date and place of attestation	
Probable date of desertion or beginning of absence, and from what place ...	
Name, occupation, and address of the person by whom or through whose means the deserter [or absentee without leave] was apprehended and secured.†	
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner and upon what grounds. The fullest possible details to be given.	

† It is important for the public service, and for the interest of the deserter or absentee wit leave, that this part of the return should be accurately filled up, and the details should be inse by the justice in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he‡ the before-mentioned unit, and I recommended§ for a reward of *s.*	.....*Signature* .....*Residence* .....*Post Town* } *of commit magistr* .....*Signature of prisoner.* .....*Signature of informant.*

Or where the prisoner confessed, and evidence of the truth or falsehood of such confessi not then forthcoming:

I hereby certify that the above named prisoner confessed to the circumstances above stated, but that evidence of the truth or falsehood of such confession is not forthcoming, and that the case was adjourned until the day of for the purpose of obtaining such evidence from a Secretary of State.	.....*Signat* .....*Reside* .....*Post T*

‡ Insert *is* or *is not a deserter* or *absentee without leave,* from or belongs or does not belo as the case may be.

§ The justice will insert the name of the person to whom the reward is due, and the am [5*s.*, 10*s.*, 15*s.*, or 20*s.*] which, in his opinion, should be granted in this particular case.

(B 1

SIXTH SCHEDULE.

Provisions as to determining Amount to be paid for Articles requisitioned.

1. Subject to the provisions of this Schedule an application to a county court judge for a certificate shall be made in manner provided by rules of court, and shall be heard by the judge, without a jury, and his decision shall not be subject to appeal.

2. Subject to the provisions of this Schedule, and to rules of court, the judge shall on such application act in accordance with the law regulating, and shall have the powers attaching to, the exercise of his ordinary jurisdiction.

3. The amount fixed by the certificate shall be such amount as appears to the county court judge to be the fair market value of the article requisitioned on the day on which it was required to be furnished as between a willing buyer and a willing seller, and where the owner of a carriage or horse has been required to deliver it at a distance from his premises shall include such sum as the judge may consider reasonable to cover the cost of such delivery.

4. No court fees shall be payable on the application, but the judge may, if he thinks fit, order either party to pay such sum as he may consider proper by way of costs to the other party, which sum shall be added to or deducted from the amount fixed by the county court judge as the value of the article requisitioned, and the amount to be included in the certificate shall be adjusted accordingly.

5. If the amount already paid by the Air Council exceeds the amount specified in the certificate, the county court judge shall certify the amount of the excess and shall order the amount so certified to be paid to the Air Council, which order shall be enforceable in like manner as a judgment of a county court.

PART II.

RULES OF PROCEDURE WITH APPENDICES.

RULES FOR FIELD PUNISHMENT.

RULES OF PROCEDURE, 1918.

PART I.—ARREST AND TRIAL.

Arrest.

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Duty of commanding officer as to investigation of charge for offence... ... ...
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RULES FOR FIELD PUNISHMENT.

RULES OF PROCEDURE, 1918.

PART I.—ARREST AND TRIAL.

Arrest.

Report of delay of trial under Air Force Act, s. 45.

1. The special report of the necessity for further delay in ordering a court-martial to assemble for the trial of an officer or airman required under section of the Air Force Act, shall be made by means of a letter from the commanding officer of that officer or airman reporting the necessity to the general or other officer to whom application would be made to convene a court-martial for the trial of that officer or airman.

Power of Commanding Officer.

Duty of commanding officer as to investigation of charge for offence.

2. Every commanding officer will take care that a person under his command when charged with an offence, is not detained in custody for more than forty-eight hours after the committal of that person into custody is reported to him without the charge being investigated, unless investigation within that period seems to him impracticable with due regard to the public service. Every case of a person being detained in custody beyond a period of forty-eight hours and the reason thereof, shall be reported by the commanding officer to the general or other officer to whom application would be made to convene a court-martial for the trial of the person charged.

Hearing of charge.

3. (A) Every charge against an airman will be heard in the presence of the accused. The accused will have full liberty to cross-examine any witness against him, and to call any witnesses and make any statement in his defence. On the application of the accused he and his wife may be called as witnesses subject to the provisions of Rule 80.

(B) If the accused demands that the evidence against him be taken on oath the oath will be administered to each witness by the investigating officer in the same form as provided for a court-martial, or, in the case of a witness allowed before a court-martial, to make a solemn declaration, the like solemn declaration will be made before the investigating officer.

Disposal of the charge or adjournment for taking down the summary of evidence.

4. (A) The commanding officer will dismiss a charge brought before him if in his opinion the evidence does not show that some offence under the Air Force Act has been committed, or if, in his discretion, he thinks the charge ought not to be proceeded with.

(B) At the conclusion of the hearing of a charge, if the commanding officer is of opinion that the charge ought to be proceeded with, he shall, without unnecessary delay, either—

(1) Dispose of the case summarily; or
(2) Refer the case to the proper superior Air Force authority; or
(3) Adjourn the case for the purpose of having the evidence reduced to writing.

Provided that the commanding officer shall not dispose of a case summarily unless the accused is an airman, or if the accused, being an airman, has elected (under section 46 of the Air Force Act) to be tried by a district court-martial.

(C) Where the case is so adjourned, at the adjourned hearing the evidence of the witnesses who were present and gave evidence before the commanding officer, whether against or for the accused, shall be taken down in writing in the presence of the accused before the commanding officer or such officer as he directs.

(D) The accused may put questions in cross-examination to any witness, and the questions with the answers shall be added in writing to the evidence taken down.

(E) The evidence of each witness when taken down, as provided in (C) and (D), shall be read over to him, and shall be signed by him, or, if he cannot write his name, shall be attested by his mark and witnessed. Any statement of the accused material to his defence shall be added in writing.

Remand of accused.

5. (A) The evidence and statement (if any) taken down in writing in pursuance of Rule 4 (in these rules referred to as the summary of evidence) shall be considered by the commanding officer, who thereupon shall either—

(1) Remand the accused for trial by court-martial; or

(2) Refer the case to the proper superior Air Force authority; or

(3) If he thinks it desirable, and the accused is an airman and has not himself elected to be tried by a district court-martial, rehear the case and dispose of it summarily.

(B) If the accused is remanded for trial by court-martial, the commanding officer shall without unnecessary delay apply to the proper Air Force authority to convene a court-martial: this delay, and any delay in the reference to superior Air Force authority, should not ordinarily exceed 36 hours.

(C) The summary of evidence, or a true copy thereof, shall be laid before the court-martial before whom the accused is tried on the assembly of the court.

Summary award of punishment by commanding officer.

6. (A) The term of detention when awarded by a commanding officer in days shall begin on the day of the award. The term of detention when awarded by a commanding officer in hours shall begin at the hour when the airman sentenced is received at the detention barrack or branch detention barrack to which he is committed, or if he has not been sooner received into the detention barrack or branch detention barrack, shall begin on the day after the day of the award at the hour fixed for the commitment and release of airmen under sentence.

(B) When the commanding officer has once awarded punishment for an offence, he cannot afterwards increase the punishment for that offence.

Right of trial by court-martial in lieu of summary award.

7. (A) If an airman is dealt with summarily by his commanding officer, and the award or finding involves a forfeiture of pay, or (though such forfeiture is not involved) the award is not an award of a minor punishment, and his commanding officer has omitted to ask him whether he desires to be dealt with summarily or to be tried by a district court-martial, the airman may, at any time on the same day before the hour fixed for the commitment and release of airmen under sentence, claim his right to be tried by a district court-martial.

(B) Except as mentioned in sub-section (8) of section 46 of the Air Force Act and in this rule, an airman has no right to claim a trial by court-martial.

Procedure on charge against officer.

8. (A) Where an officer is charged with an offence under the Air Force Act the investigation shall, if he requires it, be held, and the evidence taken in his presence in writing, in the same manner, as nearly as circumstances admit, as is required by Rules 3 and 4 in the case of an airman.

(B) Where an officer is ordered for trial by court-martial without any such taking of evidence in his presence, an abstract of the evidence to be adduced shall be delivered to him gratis not less than 24 hours before his trial, and shall be laid before the court-martial on the assembly of the court.

Framing Charges.

Charge-sheet and charge.

9. (A) A charge-sheet contains the whole issue or issues to be tried by a court-martial at one time.

(B) A charge means an accusation contained in a charge-sheet that a person subject to the Air Force Act has been guilty of an offence.

(C) A charge-sheet may contain one charge or several charges.

Commencement of charge-sheet.

10. Every charge-sheet will begin with the name and description of t person charged, and should state, in the case of an officer, his rank and nam and corps or unit; and in the case of an airman his number, rank and nam and corps or unit; and where he does not at the time of the trial belong to t regular Air Force, should show by the description of him, or directly by express averment, that he is subject to the Air Force Act in respect of t offence charged.

Contents of charge.

11. (A) Each charge should state one offence only, and in no case shou an offence be described in the alternative in the same charge.

(B) Each charge should be divided into two parts—

(1) The statement of the *offence*; and

(2) The statement of the *particulars* of the act, neglect, or omission co stituting the offence.

(C) The offence should be stated, if not a civil offence, in the words of t Air Force Act, and if a civil offence, in such words as sufficiently describe th offence, but not necessarily in technical words.

(D) The *particulars* should state such circumstances respecting the alleg offence as will enable the accused to know what act, neglect or omission, intended to be proved against him as constituting the offence.

(E) The *particulars* in one charge may be framed wholly or partly by reference to the particulars in another charge, and in that case so much of t latter particulars as is so referred to shall be deemed to form part of the fir mentioned charge as well as of the other charge.

(F) Where it is intended to prove any facts in respect of which any ded tion from ordinary pay can be awarded as a consequence of the offence charg the *particulars* should state those facts.

Validity of charge-sheet.

12. (A) A charge-sheet shall not be invalid by reason only of any mista in the name or description of the person charged, if he does not object to t charge-sheet during the trial, and it is not shown that injustice has been do to the person charged.

(B) In the construction of a charge-sheet or charge there shall be presum in favour of supporting the same every proposition which may reasonably presumed to be impliedly included, though not expressed therein.

Preparation for Defence by Accused Person.

Opportunity for accused to prepare defence.

13. An accused person for whose trial a court-martial has been ordered assemble shall be afforded proper opportunity of preparing his defence, a shall be allowed free communication with his witnesses, and with any friend legal adviser with whom he may wish to consult.

Information of charge and delivery of summary of evidence and list of officers to accused.

14. (A) The accused, before he is arraigned before a court-martial, should informed by an officer of every charge on which he is to be tried; and also th on his giving the names of any witnesses whom he desires to call in his defen reasonable steps will be taken for procuring their attendance, and those st shall be taken accordingly; the interval between his being so informed and arraignment should not be less than 24 hours.

(B) The officer, at the time of so informing the accused, should give t accused a copy of the charge-sheet, and, where the accused is an airman, sho if necessary, explain the charge-sheet and charges to him, and should also, i is illiterate, read the charges to him.

The officer will, at the same time, give to the accused gratis a true copy the summary of evidence.

(C) A list of the names, rank and corps or unit, of the president and offic who are to form the court, and where officers in waiting are named, also of th officers, should, as soon as the president and officers are named, be deliver to the accused if he desires it.

(D) If it appears to the court that the accused is liable to be prejudiced by any non-compliance with this rule, the court should take steps, and, if necessary, adjourn to avoid the accused being so prejudiced.

Joint trial of several accused persons.

15. Any number of accused persons may be tried together for an offence charged to have been committed by them collectively, but in such a case notice of the intention to try the accused persons together should be given to each of the accused at the time of his being informed of the charge, and any accused person may claim, either by notice to the authority convening the court, or, when arraigned before the court, by notice to the court, to be tried separately, on the ground that the evidence of one or more of the other accused persons proposed to be tried together with him will be material to his defence; the convening authority or court, if satisfied that the evidence will be material, and if the nature of the charge admits of it, shall allow the claim, and the person making the claim shall be tried separately.

Convening of Court-Martial.

Procedure of officer on convening court-martial.

17. (A) An officer before convening a court-martial should first satisfy himself that the charges to be tried by the court are for offences within the meaning of the Air-Force Act, and that the evidence justifies a trial on those charges, and if not so satisfied should order the release of the accused, or refer the case to superior authority.

(B) He should also satisfy himself that the case is a proper one to be tried by the description of court-martial which he proposes to convene.

(C) If more than 15 days in the United Kingdom, or more than 30 days elsewhere, elapse between the time when an officer having power to convene a general or district court-martial receives an application for a court-martial, and the date at which the case is disposed of, either by the assembly of a general or district court-martial, or otherwise, the officer shall report the case, and the reasons for the delay, if elsewhere than in India, to the Air Council, and if in India to the general officer commanding the Air Force in India.

(D) The officer convening a court-martial shall appoint or detail the officers to form the court, and may also appoint or detail such waiting officers as he thinks expedient.

(E) The officer convening a court-martial shall send to the officer appointed president the original charge-sheet on which the accused is to be tried, and the summary or abstract of evidence.

Adjournment for insufficient number of officers.

18. (A) If before the accused is arraigned the full number of officers detailed are not available to serve, by reason of non-eligibility, disqualification, challenge or otherwise, and if there are not sufficient officers in waiting to take the place of those unable to serve the court should ordinarily adjourn for the purpose of fresh members being appointed; but if the court are of opinion that in the interests of justice, and for the good of the service, it is inexpedient so to adjourn, they may, if not reduced in number below the legal minimum, proceed, recording their reasons for so doing.

(B) If the court adjourns for the purpose of the appointment of a new president, or of fresh members, whether under these rules or otherwise, the convening officer may, if he thinks fit, convene another court.

Ineligibility and disqualification of officers for court-martial.

19. (A) An officer is not eligible for serving on a court-martial if he is not subject to the Air Force Act, or otherwise qualified to serve under the Air Force Act.

(B) An officer is disqualified for serving on a court-martial if he—

(i) Is the officer who convened the court; or

(ii) Is the prosecutor or a witness for the prosecution; or

(iii) Investigated the charges before trial, or took down the summary of evidence, or was a member of a court of inquiry respecting the

matters on which the charges against the accused are founded, t
was the squadron, &c., commander who made preliminary inqui
into the case ; or

(iv) Is the commanding officer of the accused, or of the corps or unit t
which the accused belongs ; or

(v) Has a personal interest in the case.

(c) An officer is not eligible to serve on a court-martial unless he has held
commission during not less than the following periods, that is to say :—

(i) If it is a district court-martial, two whole years ;

(ii) If it is a general court-martial, three whole years.

Units of members of court-martial.

20. (a) A general or district court-martial should not be composed exclusive
of officers of the same unit, unless the convening officer states in the order co
vening the court that in his opinion other officers are not (having due rega
to the public service) available, and also, if he belongs to the same unit as th
accused, that an order to convene a court composed partly of other office
cannot be obtained from superior authority within a reasonable time.

(b) In the case of a court-martial for the trial of an accused person belongi
to the auxiliary and not to the regular Air Force, unless the convening offic
states in the order convening the court that in his opinion it is not (having d
regard to the public service) practicable, one member at least of the cou
should belong to that branch of the auxiliary Air Force to which the accus
belongs.

Rank of members of court-martial in certain cases.

21. (a) In the case of a general court-martial, five at least of the membe
must not be below the rank of captain.

(b) The members of a court-martial for the trial of an officer should be of a
equal, if not superior, rank to that officer, unless in the opinion of the convenin
officer, to be stated in the order convening the court and to be conclusive, office
of that rank are not (having due regard to the public service) available ; an
in no case shall an officer under the rank of captain be a member of a cou
martial for the trial of a field officer.

Procedure at Trial.—Constitution of Court.

Inquiry by court as to legal constitution.

22. (a) On the court assembling, the order convening the court shall
read, and also the names, rank and corps or units of the officers appointed
serve on the court ; and it shall be the first duty of the court to satisfy themselv
that the court is legally constituted ; (that is to say) :—

(i) That so far as the court can ascertain, the court has been convened
accordance with the Air Force Act, and these Rules ;

(ii) That the court consists of a number of officers not less than the leg
minimum, and, save as mentioned in Rule **18**, not less than th
number detailed ;

(iii) That each of the officers so assembled is eligible and not disqualifi
for serving on that court-martial ;

(iv) That the president is of the required rank and duly appointed ; and

(v) In the case of a general court-martial, that the officers are of th
required rank.

(b) The court should further, if it is a general or district court-martial
which a judge-advocate has been appointed, ascertain that the judge-advoca
is duly appointed, and is not disqualified for acting at that court-martial.

(c) The court, if not satisfied on the above matters, should report th
opinion to the convening authority, and may adjourn for that purpose.

Inquiry by court as to amenability of accused and validity of charge.

23. (A) The court, when satisfied on the above matters, should satisfy themselves in respect of each charge about to be brought before them :—

(i) That it appears to be laid against a person subject to the Air Force Act and to the jurisdiction of the court ; and

(ii) That each charge discloses an offence under the Air Force Act, and is framed in accordance with these rules ; and is so explicit as to enable the accused readily to understand what he has to answer.

(B) The court, if not satisfied on the above matters, should report their opinion to the convening authority, and may adjourn for that purpose.

Procedure at Trial.—Challenge and Swearing.

Appearance of prosecutor and accused.

24. When the court have satisfied themselves as to the above facts, the prosecutor, who must be a person subject to the Air Force Act, should take his place, and the court shall cause the accused to be brought before the court.

Proceedings for challenge of members of court.

25. (A) The court, upon the accused being brought before them, shall ascertain that the court is constituted of officers to whom the accused makes no reasonable objection.

(B) The accused has no right to object to the prosecutor or judge-advocate.

(C) The accused shall state the names of all the officers to whom he objects before any objection is disposed of.

(D) The accused may call any person to give evidence in support of his objection.

(E) If more than one officer is objected to, the objection to each officer will be disposed of separately, and the objection to the lowest in rank will be disposed of first ; except that, if the president is objected to, the objection to him will be disposed of before the objection to any other officer. On an objection to an officer, all the other officers present shall declare their opinions on the disposal of the objection, notwithstanding that objections have been made to any of those officers.

(F) When an objection to an officer is allowed, that officer shall forthwith retire, and take no further part in the proceedings.

(G) When an officer objected to (other than the president) retires, and there are any officers in waiting, the vacancy shall be forthwith filled by one of the officers in waiting being directed to serve in lieu of the retiring officer. If there is no officer in waiting available, the court will proceed as directed by Rule 18.

(H) The eligibility, absence of disqualification, and freedom from objection of an officer filling a vacancy, including that of president, will be ascertained by the court, as in the case of other officers appointed to serve on the court.

Swearing of members.

26. As soon as the court is constituted with the proper number of officers who are not objected to, or the objections to whom have been over-ruled, the oath shall be administered to each member of the court as follows :—

(i) If there is a judge-advocate, the oath shall be administered by him to the president first, and afterwards to the other members of the court ;

(ii) If there is no judge-advocate, the oath shall be administered by the president to the other members of the court, and shall be administered to the president by any member of the court already sworn.

Swearing of judge-advocate and other officers.

27. After the members of the court are all sworn, an oath shall be administered to the following persons, or to such of them as are present at the court-martial, by the president, or by some member of the court, or, except in the case of the judge-advocate, by the judge-advocate, if present, in the following form :—

(A) The form of oath for the judge-advocate shall be :—

"You do swear that you will not, unless it is necessary for the due discharge of your official duties, divulge the sentence of this court-martial until it is duly

confirmed; and that you will not on any account, at any time whatsoe disclose or discover the vote or opinion of any particular member of this co martial, unless thereunto required in due course of law. So help you GOD.

(B) The form of oath for an officer attending for the purpose of instruct shall be :—

"You do swear that you will not divulge the sentence of this co martial until it is duly confirmed; and that you will not on any account, at a time whatsoever, disclose or discover the vote or opinion of any partic member of this court-martial, unless thereunto required in due course of l So help you GOD."

(C) The form of oath for a shorthand writer shall be :—

"You do swear that you will truly take down to the best of your power evidence to be given before this court-martial, and such other matters as may be required, and will, when required, deliver to the court a true transc of the same. So help you GOD."

(D) The form of oath for an interpreter shall be :—

"You do swear that you will to the best of your ability truly interpret translate, as you shall be required to do, touching the matter before this co martial. So help you GOD."

Substitution of solemn declaration for oath.

28. Where a person is permitted to make a solemn declaration instead being sworn, the form of declaration shall be as follows; that is to say :—

(A) In the case of the president or other member of the court :—

"I, , do solemnly promise and declare that I will well truly try the accused before the court according to the evidence, and that I duly administer justice according to the Air Force Act now in force, with partiality, favour or affection, and I do further solemnly promise and dec that I will not divulge the sentence of the court until it is duly confirmed, further that I will not on any account, at any time whatsoever, disclose discover the vote or opinion of any particular member of this court-mar unless thereunto required in due course of law."

(B) In the case of the judge-advocate :

"I, , do solemnly promise and declare that I will unless it is necessary for the due discharge of my official duties, divulge sentence of this court-martial until it is duly confirmed; and that I will on any account, at any time whatsoever, disclose or discover the vote or opi of any particular member of this court-martial, unless thereunto required in course of law."

(C) In the case of an officer attending for the purpose of instruction :—

"I, , do solemnly promise and declare that I will divulge the sentence of this court-martial until it is duly confirmed; and I will not, on any account, at any time whatsoever, disclose or discover vote or opinion of any particular member of this court-martial, unless there required in due course of law."

(D) In the case of a shorthand writer :—

"I, , do solemnly promise and declare that I will take down to the best of my power the evidence to be given before this co martial, and when required will deliver to the court a true transcript of same."

(E) In the case of an interpreter :—

"I, , do solemnly promise and declare that I will, to best of my ability, faithfully and truly interpret and translate as I shall be required to do touching the matter now before this court-martial."

(F) The declaration shall be made before some person authorised by these rules to administer the oath.

Form of oath in case of trial of several persons.

29. When the oath is administered to or the declaration made by the members of a court who are about to try several persons, the plural shall be substituted for the singular wherever required.

Swearing of person according to the form of his religion.

30. (A) If any person desires to swear with uplifted hand in the form and manner in which an oath is usually administered in Scotland, he shall be permitted to do so.

(B) In any case an oath may be administered in such form and with such ceremonies as the person to be sworn declares to be, according to his religion binding on his conscience.

(C) For the purpose of both (A) and (B) the words "You do swear" and "So help me GOD" may be omitted or varied.

Prosecution, Defence and Summing Up.

Arraignment of accused.

31. (A) After the members of the court and other persons sworn as above mentioned, the accused shall be arraigned on the charges against him.

(B) The charges upon which the accused is arraigned will be read to him, and he will be required to plead separately to each charge.

Objection of accused to charge.

32. The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the Air-Force Act, or is not in accordance with these rules.

Amendment of charge.

33. (A) At any time during the trial, if it appears to the court that there is any mistake in the name or description of the accused in the charge-sheet, the court may amend the charge-sheet so as to correct that mistake.

(B) If on the trial of any charge it appears to the court, at any time before they have begun to examine the witnesses, that in the interests of justice any addition to, omission from, or alteration in, the charge is required, they may report their opinion to the convening authority, and may adjourn, and the convening authority may either direct a new trial to be commenced, or amend the charge, and order the trial to proceed with the amended charge after due notice to the accused.

Special plea to the jurisdiction.

34. (A) The accused, before pleading to a charge, may offer a special plea to the general jurisdiction of the court; and, if he does so, and the court consider that anything stated in the plea shows that the court have not jurisdiction, they shall receive any evidence offered in support, together with any evidence offered by the prosecutor in disproof or qualification thereof, and any address by the accused and reply by the prosecutor in reference thereto.

(B) If the court overrule the special plea they should proceed with the trial.

(C) If the court allow the special plea, they shall record their decision and the reasons for it, and report it to the convening authority and adjourn; such a decision shall not require any confirmation, and the convening authority shall either forthwith convene another court for the trial of the accused, or order the accused to be released.

(D) If the court are in doubt as to the validity of the plea, they may refer the matter to the convening authority, and may adjourn for that purpose, or may record a special decision with respect to the plea, and proceed with the trial.

General plea of "Guilty" or "Not guilty."

35. (A) If no special plea to the general jurisdiction of the court is offered, or if such plea, being offered, is over-ruled, the accused person's plea "Guilty" or "Not guilty" (or if he refuses to plead, or does not plead intelligibly either one or the other, a plea of "Not guilty")—shall be recorded on each charge.

(B) If an accused person pleads "Guilty" that plea shall be recorded as the finding of the court; but, before it is recorded, the president, on behalf of the court, should ascertain that the accused understands the nature of the charge to which he has pleaded guilty, and should inform him of the general effect of that plea, and in particular of the meaning of the charge to which he has pleaded guilty, and of the difference in procedure which will be made by the plea of guilty, and shall advise him to withdraw that plea if it appears from the summary of evidence that the accused ought to plead not guilty.

Plea in bar.

36. (A) The accused at the time of his general plea of "Guilty" or "Not guilty" to a charge for an offence, may offer a plea in bar of trial on the ground that:—

(1) He has been previously convicted or acquitted of the offence by a competent civil court or by a court-martial or has been dealt with summarily by his commanding officer for the offence; or

(2) The offence has been pardoned or condoned by competent Air Force authority; or

(3) The time which elapsed between the commission of the offence and the beginning of the trial was more than three years, or in the case of a civil offence proceedings in respect of which must be commenced within a shorter period than three years, more than that shorter period.

(B) If he offers a plea in bar the court shall record it as well as his general plea, and if they consider that any fact or facts stated by him are sufficient to support the plea in bar they shall receive any evidence offered and hear any address made by the accused and the prosecutor in reference to the plea.

(C) If the court find that the plea in bar is proved they shall record their finding, and notify it to the confirming authority, and shall either adjourn, or if there is any other charge against the accused, whether in the same or in a different charge-sheet, which is not affected by the plea in bar, may proceed to the trial of the accused on that charge.

(D) If the finding that a plea in bar is proved is not confirmed, the court may be re-assembled by the confirming authority, and proceed as if the plea had been found not proved.

(E) If the court find that a plea in bar is not proved, they shall proceed with the trial, but such a finding shall be subject to confirmation like any other finding of the court.

Procedure after plea of "Guilty."

37. (A) Upon the record of the plea of "Guilty" if there are other charges in the same charge-sheet to which the plea is "Not guilty," the trial will first proceed with respect to those other charges, and, after the finding on those charges, will proceed with the charges on which a plea of "Guilty" has been entered; but if they are alternative charges, the court may either proceed with respect to all the charges as if the accused had not pleaded "Guilty" to any charge, or may, instead of trying him, record a finding of "Not guilty" on each alternative charge to which the accused has not pleaded "Guilty."

(B) After the record of the plea of "Guilty" on a charge (if the trial does not proceed on any other charges) the court shall receive any statement which the accused desires to make in reference to the charge, and shall read the summary or abstract of evidence, and annex it to the proceedings, or if there is no such summary or abstract, shall take and record sufficient evidence to enable them to determine the sentence, and the confirming officer to know all the circumstances connected with the offence. This evidence will be taken in like manner as is directed by these Rules in the case of a plea of "Not guilty."

(C) After evidence has been so taken, or the summary or abstract of evidence has been read, as the case may be, the accused may make a statement in mitigation of punishment, and may call witnesses as to his character.

(D) If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the court that the accused did not understand the effect of his plea of "Guilty," the court shall alter the record and enter a plea of "Not guilty," and proceed with the trial accordingly.

(E) If a plea of "Guilty" is recorded, and the trial proceeds with respect to other charges in the same charge-sheet, the proceedings under (B) and (C) will take place when the findings on the other charges in the same charge-sheet are recorded.

(F) When the accused at any court-martial states anything in mitigation of punishment which in the opinion of the court requires to be proved, and would, if proved, affect the amount of punishment, the court may permit the accused to call witnesses to prove the same.

Withdrawal of plea of "Not guilty."

38. The accused may, if he thinks fit, at any time during the trial, withdraw his plea of "Not guilty" and plead "Guilty," and in such case the court will at once, subject to a compliance with Rule **35** (B), record a plea and finding of "Guilty," and shall, so far as is necessary, proceed in manner directed by Rule **37**.

Plea of "Not guilty" and case for the prosecution.

39. After the plea of "Not guilty" to any charge is recorded, the trial will proceed as follows :—

(A) The prosecutor may, if he desires, make an opening address.

(B) The evidence for the prosecution shall then be taken.

(C) If it should be necessary for the prosecutor to give evidence for the prosecution, he should give it after the delivery of his address, and he must be sworn, and give his evidence in detail.

(D) He may be cross-examined by the accused, and afterwards may make any statement which might be made by a witness on re-examination.

Procedure where no witnesses to facts (except accused) called for defence.

40. (1) At the close of the evidence for the prosecution the accused shall be told by the court that he may, if he wishes, give evidence as a witness, but that if he gives evidence he will subject himself to cross-examination.

(2) The accused will then be asked whether he wishes to give evidence as a witness himself, and whether he intends to call any witnesses to the facts of the case other than himself.

(3) Unless the accused states that he intends to call witnesses to the facts of the case other than himself, the procedure will be as follows :—

(*a*) The accused, if he wishes to do so, will give evidence as a witness.

(*b*) At the close of the evidence of the accused, or, if the accused has not given evidence, then immediately after the accused has been asked the question mentioned in (2) the prosecutor may address the court a second time for the purpose of summing up the evidence for the prosecution and commenting on the evidence of the accused (if any).

(*c*) The accused will then be asked if he has anything to say in his defence, and may address the court in his defence

(*d*) The accused may call witnesses as to his character.

(*e*) The prosecutor may produce, in reply to the witnesses as to character, proof of former convictions and entries in the conduct book, but he may not again address the court.

Procedure where witnesses are called for defence.

41. If the accused states that he intends to call witnesses to the facts of the case, other than himself, the procedure will be as follows :—

(*a*) The accused will be asked if he has anything to say in his defence, and may address the Court in his defence.

(*b*) The accused may himself give evidence as a witness, and may call his other witnesses, including witnesses as to character.

(*c*) After the evidence of all the witnesses for the defence has been tak
the accused may again address the court, and the time at which
second address is allowed is in these rules referred to as the ti
for the second address of the accused.

(*d*) The prosecutor will be entitled to address the Court in reply.

Summing-up by judge-advocate.

42. (A) The judge-advocate, if any, will, unless he and the court think summing-up unnecessary, sum up in open court the whole case to the court.

(*b*) After the judge-advocate has spoken, no other address shall be allowe

Finding and Sentence.

Considera-tion of finding.

43. (A) The court will deliberate on their finding in closed court.

(B) The opinion of each member of the court will be taken separately each charge.

Form and record of finding

44. (A) The finding on every charge will be recorded and, except as m tioned in these rules, will be recorded simply as a finding of "Guilty" or "Not guilty," or of "Not guilty and honourably acquit him of the same."

(B) Where the court are of opinion as regards any charge that the fa which they find to be proved in evidence differ materially from the facts alleg in the statement of particulars in the charge, but are nevertheless sufficient prove the offence stated in the charge, and that the difference is not so mater as to have prejudiced the accused in his defence, they may, instead of a findi of "Not guilty," record a special finding.

(C) The special finding may find the accused guilty on a charge, subject the statement of exceptions or variations specified therein.

(D) Where the court are of opinion as regards any charge that the fa proved do not disclose an offence under the Air Force Act, the court will acq the accused of that charge.

(E) If the court doubt as regards any charge whether the facts proved sh the accused to be guilty or not of an offence under the Air Force Act, they ma before recording a finding on that charge, refer to the confirming authority an opinion, and, if necessary, adjourn for that purpose.

(F) Where there are alternative charges, and the facts proved appear to t court not to constitute the offence mentioned in any of those alternative charg the court shall record a finding of "Not guilty" on that charge; but if the co think that the facts so proved constitute one of the offences stated in two more of the alternative charges, but doubt which of those offences the facts at law constitute, then they may, either before recording a finding on th charges refer to the confirming authority for an opinion, and, if necessar adjourn for the purpose, or they may record a special finding, stating the fa which they find to be proved, and stating that they doubt whether those fa constitute in law the offence in such one or another of the alternative charg as are specified in the finding.

Procedure on acquit-tal.

45. (A) If the finding on each of the charges in a charge-sheet is "N guilty," the president will date and sign the proceedings, the findings will announced in open court, and the accused will be released in respect of th charges.

(B) The proceedings shall then, upon being signed by the judge-advocate any), be transmitted at once in like manner as is directed by these rules in t case where the findings require confirmation.

Procedure on convic-tion.

46. (A) If the finding on any charge is "Guilty," then, for the guidance the court in determining their sentence, and of the confirming authority considering the sentence, the court, before deliberating on their sentence, m take evidence of and record the character, age, service, rank and any recogni acts of gallantry or distinguished conduct, of the accused, and the length

time he has been in arrest or in confinement on any previous sentence, and any deferred pay, Air-Force decoration, or Air-Force reward, of which he may be in possession or to which he is entitled, and which the court can sentence him to forfeit.

(B) Evidence on the above matters may be given by a witness verifying a statement which contains a summary of the entries in the service books respecting the accused person, and identifying the accused as the person referred to in that summary.

(C) Evidence on the part of the prosecutor upon the above matters should not be given by a member of the court.

(D) The accused may cross-examine any such witness, and may call witnesses to rebut any such evidence; and if the accused so requests, the service books, or a duly certified copy of the material entries therein, shall be produced; and if the accused alleges that the summary is in any respect not in accordance with the service books, or such certified copy, as the case may be, the court shall compare the summary with those books or copy, and if they find it is not in accordance therewith, shall cause the summary to be corrected accordingly.

When all the evidence on the above matters has been given, the accused may address the court thereon.

(E) If by reason of the nature of the service of the accused in a departmental corps or unit, or otherwise, the finding of the court renders him liable to any exceptional punishment in addition to that to be awarded by the sentence of the court, it will be the duty of the prosecutor to call the attention of the court to the fact, and it will be the duty of the court to inquire into the nature and amount of such additional punishment.

Mode of forfeiting seniority of rank of officer or non-commissioned officer.

47. Where the court desire to sentence an officer to forfeit seniority of rank, they may sentence him to take rank and precedence either in the Air Force or in the corps or unit to which he belongs or in both as if his appointment to the rank or ranks held by him and specified in the sentence, bore the date of some day or days specified in the sentence and later than the actual date of his said appointment.

In the case of a non-commissioned officer the court will sentence him to take rank and precedence as if his appointment to the rank held by him, and specified in the sentence, bore the date of some day specified in the sentence, and later than the actual date of his said appointment.

Sentence.

48. The court shall award one sentence in respect of all the offences of which the offender is found guilty, and that sentence shall be deemed to be awarded in respect of the offence in each charge in respect of which it can be legally given, and not to be awarded in respect of any offence in a charge in respect of which it cannot be legally given.

Recommendation to mercy.

49. (A) If the court make a recommendation to mercy they shall give their reasons for their recommendation.

(B) If the court recommend any restoration of service under section 79 of the Air Force Act the recommendation, with the reasons for it, shall be entered in the proceedings.

(C) The number of opinions by which a recommendation mentioned in this rule, or any question relative thereto, is adopted or rejected, may be entered in the proceedings.

Signing and transmission of proceedings.

50. Upon the court awarding the sentence, the president shall date and sign the sentence, and such signature shall authenticate the whole of the proceedings, and the proceedings, upon being signed by the judge-advocate, if any, shall be at once transmitted for confirmation.

Confirmation and Revision.

Procedure of confirming officer.

51. (A) In the case of a finding which does not require confirmation, t confirming officer shall not make any remarks in the proceedings, but if he thin that anything in the case requires further attention he shall report it to super authority as directed by His Majesty's regulations.

(B) In the case of findings or sentences which require confirmation the co firming authority—

(1) May direct the re-assembly of the court for the revision of the findi or sentence, or either of them, stating the reasons for revision; a

(2) Upon receiving the proceedings, whether original or revised, may confi or refuse confirmation, and the confirmation, or non-confirmatio shall be entered in and form part of the proceedings.

52. (A) Where the finding or sentence is sent back for revision, the co should re-assemble in closed court, and shall not receive any further evidence.

(B) Where the finding is sent back for revision, and the court do not adhe to their former finding, they shall revoke the finding and sentence, and record new finding, and, if the new finding involves a sentence, pass sentence afresh.

(C) Where the sentence alone is sent back for revision, the court shall n revise the finding.

(D) After revision the president shall date and sign the decision of the cou and the proceedings, upon being signed by the judge-advocate, if any, shall at once transmitted for confirmation.

Promulgation.

53. The charge, finding, sentence, and confirmation of a court martial sh be promulgated in such manner as the confirming authority may direct; a if no direction is given, according to the custom of the service.

Mitigation of sentence on partial confirmation.

54. (A) Where a sentence has been awarded by court-martial in respect offences in several charges, and the confirming authority confirms the findi on some but not on all of those charges, that authority shall take into consider tion the fact of such non-confirmation, and shall, if it seems just, mitigate, rem or commute the punishment awarded according as seems just, having regard the offences in the charges the findings on which are confirmed.

(B) Where a sentence has been awarded by a court-martial in respect offences in several charges and has been confirmed, and any one of those charg or the finding thereon is found to be invalid, the authority having power mitigate, remit, or commute the punishment awarded by the sentence shall ta into consideration the fact of such invalidity, and if it seems just, mitiga remit, or commute the punishment awarded according as seems just, havi regard to the offences in the charges which with the findings thereon are n invalid, and the punishment as so modified shall be as valid as if it had be originally awarded only in respect of those offences.

(C) Where a sentence passed by a court-martial has been confirmed, and found from any reason to be invalid, the authority who would have had pow to commute the punishment awarded by the sentence if it had been valid m pass a valid sentence, and the sentence so passed shall have the same effect as passed by the court-martial, but the punishment awarded by that sentence sh not be higher in the scale of punishments than the punishment awarded by t invalid sentence, nor, in the opinion of the said authority, be in excess of the las mentioned punishment.

Confirmation of finding on alternative charges.

55. (A) Where a special finding has been recorded in relation to alternati charges under Rule 44 (F), and the confirming authority is of opinion that t facts found by the special finding constitute in law the offence charged by any the alternative charges, that authority may confirm the finding, and in that ca

ll declare that the finding amounts to a finding of guilty on that charge; but it is afterwards declared by any authority having power to remit or commute punishment awarded that the said facts constitute in law the offence charged one of the other alternative charges, then the confirming authority, or such her authority as aforesaid, may declare that the finding amounts to a finding of ilty on that alternative charge; and the finding shall be a valid finding of guilty the charge specified in that behalf in the declaration made on confirmation, in case of a subsequent declaration, in that subsequent declaration.

(B) The sentence awarded in the case of any such special finding may likewise confirmed, subject to this proviso, that if the offence in one of the alternative arges involves a higher punishment, or is otherwise graver than the offence the charge of which the offender is found to be guilty under the terms of any claration mentioned in (A), the authority making the declaration, or some her authority having power to mitigate, remit, or commute the punishment arded, shall mitigate, remit, or commute the punishment according as seems st, having regard to the last-mentioned offence; and the punishment as so odified shall be as valid as if it had been originally awarded in respect of the st-mentioned offence.

Confirmation notwithstanding informality in, or excess of, punishment.

56.—(A) If the sentence of a court-martial is informally expressed, the confirming authority may, in confirming the sentence, vary the form so that it shall properly expressed; and if the punishment awarded by the sentence is in cess of the punishment authorised by law, the confirming authority may y the sentence so that the punishment shall not be in excess of the nishment authorised by law; and the confirming authority may confirm finding and the sentence as so varied of the court-martial.

(B) Whenever it appears that a court-martial had jurisdiction to try any rson, and that that person was charged with some offence or offences under Air Force Act, and was shown by legal evidence to have been guilty of the ence or one of the offences charged, the finding in respect of the offence or ences of which he is so shown to be guilty, and the sentence may be confirmed, d if so confirmed shall be valid, notwithstanding any deviation from these rules notwithstanding that the charge-sheet has not been signed by the commanding officer or convening officer, provided that the charges have in fact been proved by the commanding officer and convening officer, or notwithstanding y defect or objection, technical or other, unless it appears that any injustice s been done to the offender; but nothing in this rule shall relieve an officer om any responsibility for any wilful or negligent disregard of any of these les.

Insanity.

Provisions as to finding of insanity, and custody of insane person.

57.—(A) Where the court find either that the accused is unfit, by reason of sanity, to take his trial, or that he committed the offence with which he is arged, but was insane at the time of the commission thereof, the president all date and sign the finding, and the proceedings, upon being signed by the dge-advocate, if any, shall be at once transmitted for confirmation.

(B) If the finding is not confirmed, the accused may be tried by the same or other court-martial for the offence with which he was originally charged.

(C) Where the finding is confirmed, then, until the directions of His Majesty to the disposal of the accused are known, or in the case of an accused person fit to take his trial, until any earlier time at which the accused is fit to take trial, the accused shall be confined in such manner as may, in the opinion of proper air-force authority, be best calculated to keep him securely without necessary harshness, as he is not to be considered as a criminal but as a person uring under a disease.

General Provisions as to Proceedings of Court.

Seating of members.

58. The members of a court-martial will take their seats according to t rank.

Responsibility of president.

59.—(A) The president is responsible for the trial being conducted in pr order and in accordance with the Air Force Act, and will take care that everyt is conducted in a manner befitting a court of justice.

(B) It is the duty of the president to see that justice is administered, and t the accused has a fair trial, and that he does not suffer any disadvantage in t sequence of his position as a person under trial, or of his ignorance, or of incapacity to examine or cross-examine witnesses or to make his own evid clear or intelligible, or otherwise.

Power of court over address of prosecutor and accused.

60.—(A) It is the duty of the prosecutor to assist the court in the admi tration of justice, to behave impartially, to bring the whole of the transac before the court, and not to take any unfair advantage of, or suppress any evid in favour of, the accused.

(B) The court may stop the prosecutor in referring to any matter not rele to the charge then before the court, or any matter which the court is not inv gating, and it is the duty of the court to restrain any undue violence of lang or want of fairness or moderation on the part of the prosecutor, and to pre the prosecutor from commenting at any time on the failure of the accused o wife to give evidence.

(C) The court should allow great latitude to the accused in making his defe he must abstain from any remarks contemptuous or disrespectful towards court, and from coarse and insulting language towards others, but he may the purposes of his defence impeach the evidence and the motives of the witn and prosecutor, and charge other persons with blame and even criminality subj if he does so, to any liability to further proceedings to which he would other be subject. The court may caution the accused as to the irrelevance of his def but should not, unless in special cases, stop his defence solely on the groun irrelevance.

Procedure on trial of accused persons together.

61.—Where two or more accused persons are tried together and any evid is tendered by any one or more of them, the evidence and addresses on the of all the accused persons will be taken before the prosecutor replies, and prosecutor will make one address only in reply as regards all the accused pers

Separate charge-sheets.

62.—(A) Where the convening officer directs any charges against an acc person to be inserted in different charge-sheets, the accused shall be arraig and until after the finding tried, upon each charge-sheet separately, and accordi the procedure in Rules 31 to 44, both inclusive, shall, until after the finding followed in respect of each charge-sheet, as if it contained the whole of the cha against the accused.

(B) The trials upon the several charge-sheets shall be in such order as convening officer directs.

(C) When the court have tried the accused upon all the charge-sheets t shall, in the case of the finding being "Not Guilty" on all the charges, pro as directed by Rule 45, and, in case of the finding on any one or more of charges being "Guilty," proceed as directed by Rules 37 and 46 to 50, inclusive, in like manner in each case as if all the charges in the different cha sheets had been contained in one charge-sheet, and the sentence passed shal of the same effect as if all the charges had been contained in one charge-shee

(D) If the convening officer directs that, in the event of the conviction o accused person upon a charge in any charge-sheet, he need not be tried upon subsequent charge-sheets, the court in such an event may, without trying accused upon any of the subsequent charge-sheets, proceed as directed by (C)

(E) Where a charge-sheet contains more than one charge, the accused may, before pleading, claim to be tried separately in respect of any charge or charges in that charge-sheet, on the ground that he will be embarrassed in his defence if he is not so tried separately; and in such a case the court, unless they think his claim unreasonable, shall arraign and try the accused in like manner as if the convening officer had inserted the said charge or charges in different charge-sheets.

(F) If the accused pleads "Guilty" to a charge in a charge-sheet, and the trial does not proceed (as mentioned in Rule 37 (A)) with respect to the other charges in that charge-sheet, the court shall, subject to the directions of the convening officer, proceed to try the accused on the charges in the next charge-sheet before they proceed as directed by Rule 37 (B) and (C).

Sitting in closed court.

63.—(A) When a court-martial sit in closed court on any deliberation amongst the members or otherwise, no person shall be present except the members of the court, the judge-advocate, and any officers under instruction; and the court may either retire or may cause the place where they sit to be cleared of all other persons not entitled to be present.

(B) Except as above-mentioned, all the proceedings, including the view of any place, shall be in open court and in the presence of the accused.

Time for trial.

64.—(A) A court-martial may sit at such times and for such period between the hours of six in the morning and six in the afternoon, as may be directed by the proper superior Air Force Authority, and so far as no such direction extends, as the court from time to time determine.

(B) If the court consider it necessary to continue a trial after six in the afternoon they may do so, but if they do so should record in the proceedings their reason for so doing.

(C) In cases requiring an immediate example, or when the convening officer, or the general or other officer commanding any body of the air force, certifies under his hand that it is expedient for the public service, trials may be held at any hour.

(D) If the court or the convening officer, or other superior air force authority, think that the exigencies of the service or the interests of discipline require the court to sit on Sunday, Christmas Day, or Good Friday, the court may sit accordingly, but otherwise the court should not sit on any of these days.

Continuity of trial and adjournment of court.

65.—(A) When a court is once assembled and the accused has been arraigned, the court should (but subject to the provisions of the Air Force Act, and of these rules as to adjournment) continue the trial from day to day and sit for a reasonable period on every day, unless it appears to the court that an adjournment is necessary for the ends of justice, or that such continuance is impracticable.

(B) A court-martial in the absence either of a president, or of a judge-advocate (if a judge-advocate has been appointed for that court-martial), shall not proceed, and if necessary shall adjourn.

(C) The senior officer on the spot may also, for the exigencies of service, adjourn or prolong the adjournment of the court.

(D) Any adjournment may be made from place to place as well as from time to time. If the time to which the adjournment is made is not specified, the adjournment will be until further orders from the proper air force authority; if the place to which the adjournment is made is not specified, the adjournment will be to the same place or to such place as may be specified in further orders from the proper air force authority.

Suspension of trial.

66.—(A) Where, in consequence of anything arising while the court are sitting, the court are unable by reason of dissolution (as specified in section 53 of the Air Force Act, or otherwise), or of the absence of the president, to continue the trial, the president, or in his absence, the senior member present, will immediately report the facts to the convening authority.

(B) Where a court-martial is dissolved before the finding, or, in case of finding of guilty, before the sentence, the proceedings are null, and the accused may be tried before another court-martial.

Proceeding on death or illness of accused.

67. In case of the death of the accused or of such illness of the accused as renders it impossible to continue the trial, the court will ascertain the fact of the death or illness by evidence, and record the same, and adjourn, and transmit the proceedings to the convening authority.

Presence throughout of all members of court.

68.—(A) A member of a court who has been absent while any part of the evidence on the trial of an accused person is taken can take no further part in the trial by that court of that person, but the court will not be affected except as provided by section 53 of the Air Force Act.

(B) An officer cannot be added to a court-martial after the accused has been arraigned.

Taking of opinions of members of court.

69.—(A) Every member of a court must give his opinion on every question which the court has to decide, and must give his opinion as to the sentence notwithstanding that he has given his opinion in favour of acquittal.

(B) Subject to the provisions of the Air Force Act, every question shall be determined by an absolute majority of the opinions of the members of the court, and in the case of an equality of opinions the president's second or casting vote will be reckoned as determining the majority.

(C) The opinions of the members of the court should be taken in succession beginning with the junior in rank.

Procedure on incidental question.

70. If any question should arise incidentally during the trial, the person whether prosecutor or accused, requesting the opinion of the court is to speak first; the other person is then to answer, and the first person is to be allowed to reply.

Swearing of court to try several accused persons.

71.—(A) A court may be sworn at the time to try any number of accused persons then present before it, whether those persons are to be tried together or separately, and each accused person shall have power to object to the members of the court, and shall be asked separately whether he objects to any member.

(B) In the case of several accused persons to be tried separately, the court upon one of those persons objecting to a member, may, according as they think fit, proceed to determine that objection or postpone the case of that person and swear the members of the court for the trial of the others alone.

(C) In the case of several accused persons to be tried separately, the court when sworn, shall proceed with one case, postponing the other cases, and taking them afterwards in succession.

Swearing of interpreter and shorthand writer.

72.—(A) At any time during the trial an impartial person may, if the court think it necessary, and shall, if either the prosecutor or the accused requests it on any reasonable ground, be sworn to act as interpreter.

(B) An impartial person may at any time of the trial, if the court think it desirable, be sworn to act as a shorthand writer.

(C) Before a person is sworn as interpreter or shorthand writer, the accused should be informed of the person who is proposed to be sworn, and may object to the person as not being impartial; and the court, if they think that the objection is reasonable, shall not swear that person as interpreter or shorthand writer.

General Provisions as to Witnesses and Evidence.

Evidence to be relevant and according to rules in English courts.

73.—(A) A court-martial shall not receive evidence for the prosecution which is not relevant to the facts stated in the statement of particulars in the charge, or any evidence which is not admissible either according to the rules of civil courts in England, or under the Air Force Act, or under any other Act of the Parliament of the United Kingdom.

(B) The rules of evidence adopted in civil courts in England, including those contained in the Criminal Evidence Act, 1898, will be followed by courts-martial, and objections to any question to a witness or to the admission of any evidence may be made accordingly, and a person will not be required to answer any question or produce any document which he could not be required to answer or produce in a like proceeding before a civil court in England.

(C) By "civil court" in this rule is meant a court of ordinary criminal jurisdiction in England, including a court of summary jurisdiction.

Judicial notice

74. The court may take judicial notice of all matters of notoriety, including all matters within their general air force, naval or military knowledge.

Calling of all prosecutor's witnesses

75. The prosecutor is not bound to call all the witnesses whose evidence is in the summary of evidence, or in the abstract of evidence given to the accused, but he should ordinarily call such of them as the accused desires to be called, in order that the accused may, if he thinks fit, cross-examine them, and the prosecutor should for this reason, so far as seems to the court practicable, secure the attendance of all such witnesses.

Calling of witness whose evidence is not contained in summary or abstract.

76.—If the prosecutor intends to call a witness whose evidence is not contained in any summary or abstract given to the accused, notice of the intention shall be given to the accused a reasonable time before the witness is called; and if the witness is called without such notice having been given, the court shall, if the accused so desire it, either adjourn after taking the evidence of the witness, or allow the cross-examination of the witness to be postponed, and the court shall inform the accused of his right to demand such an adjournment or postponement.

List of witnesses of accused.

77.—The accused shall not be required to give to the prosecutor a list of the witnesses whom he intends to call, but it shall rest with the accused alone to secure the attendance of any witness whose evidence is not contained in the summary or abstract, and for whose attendance the accused has not requested steps to be taken as provided for by Rule 14 (A).

Procuring attendance of witnesses.

78.—(A) The convening officer, or, after the assembly of the court, the president, shall take the proper steps to procure the attendance of the witnesses whom the prosecutor or accused desires to call, and whose attendance can reasonably be procured, but the person requiring the attendance of a witness may be required to undertake to defray the cost (if any) of his attendance.

(B) Any such witness who is not subject to the Air Force Act may be summoned to attend by order under the hand of the convening officer, the president of the court, the judge-advocate, or the commanding officer of the accused.

(C) Any such witness who is subject to the Air Force Act shall be ordered to attend by the proper air force authority.

Adjournment of court for non-attendance of witnesses.

79. If such proper steps as mentioned in the preceding rule have not been taken as to any witness, or if any witness whose attendance could not be reasonably procured before the assembly of the court is essential to the prosecution or defence, the court shall adjourn and report the circumstances to the convening officer.

Evidence of the accused and his wife.

80.—(1) Subject to the provisions of Rule 40, an accused person may at any stage of any proceedings at which under these rules evidence for the defence may be given, apply to give evidence as a witness for the defence himself, or to have his wife called as a witness for the defence, but neither the accused nor his wife shall be called as a witness, except on the application of the accused.

(2) The accused giving evidence shall, unless otherwise ordered by the court, give his evidence from the witness box or other place from which the other witnesses give their evidence.

(3) An accused person giving evidence may be asked any question in cross-examination, notwithstanding that it would tend to criminate him as to the offence charged, but shall not be asked, and if asked, shall not be required to

answer, any question tending to show that he has committed, or been convicted of, or been charged with, any offence other than that with which he is then charged, or is of bad character, unless—

(A) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence with which he is then charged; or

(B) he has personally or by his counsel or officer acting as counsel asked questions of the witnesses for the prosecution with a view to establishing his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor, or the witnesses for the prosecution; or

(C) he has given evidence against any other person charged with the same offence.

(4) The wife of an accused person shall not be compelled to disclose any communication made to her by her husband during the marriage.

Withdrawal of witnesses from court.

81. During the trial a witness other than the prosecutor or accused ought not, except by special leave of the court, to be in court while not under examination, and if while he is under examination a discussion arises as to the allowance of a question, or the sufficiency of his answers, or otherwise as to his evidence, he may be directed to withdraw.

Swearing of witnesses.

82.—(A) Every witness, before he gives his evidence, shall be sworn by the judge-advocate, or by the president, or by a member of the court.

(B) The form of oath for a witness shall be as follows:—

"The evidence which you shall give before this court shall be the truth, the whole truth, and nothing but the truth.

So help you GOD."

(C) Rule 30 shall apply to every witness.

(D) Where a witness is permitted to make a solemn declaration instead of being sworn, the declaration may be made before a person authorised to administer the oath, and the form of declaration shall be as follows:—

" , do solemnly promise and declare that the evidence which I shall give before this court shall be the truth, the whole truth, and nothing but the truth."

Mode of questioning witnesses.

83.—(A) Every question may be put to a witness orally by the prosecutor, accused, or judge-advocate, without the intervention of the court, and the witness will forthwith reply, unless an objection is made by the court, judge-advocate, prosecutor, or accused, in which case he will not reply until the objection is disposed of.

(B) The evidence of a witness as taken down should be read to him after he has given all his evidence and before he leaves the court, and such evidence may be explained or corrected by the witness at his instance. If he makes any explanation or correction, the prosecutor and accused may respectively examine him respecting the same.

(C) In the case of a general court-martial at which a shorthand writer is employed, it shall not be necessary to comply with Rule **83** (B), if in the opinion of the court and the judge-advocate (such opinion to be recorded in the proceedings) it is inexpedient to do so, but nevertheless, if any witness so desires Rule **83** (B) shall be complied with.

Examination and cross-examination.

84.—(A) A witness may be examined by the person calling him, and may be cross-examined by the opposite party to the proceeding, and on the conclusion of the cross-examination may be re-examined by the person calling him on matters raised by the cross-examination.

(B) The court may, if they think fit, allow the cross-examination of a witness to be postponed.

Questions to witness by members of court or judge-advocate.

85.—(A) At any time before the time for the second address of the accused, the judge-advocate, and any member of the court, may, with the permission of the court, address through the president any question to a witness.

(B) Upon any such question being answered, the president shall also put to the witness any question relative to that answer which he may be requested to put by the prosecutor or the accused, and which the court deem reasonable.

Re-calling of witnesses, and calling of witnesses in reply.

86.—(A) At the request of the prosecutor or accused person a witness may, by leave of the court, be re-called at any time before the time for the second address of the accused for the purpose of having any question put to him through the president.

(B) A witness may, in special cases, be allowed by the court to be called or re-called by the prosecutor before the time for the second address of the accused, for the purpose of rebutting any material statement made by a witness for the defence upon his examination by the accused on any new matter which the prosecutor could not reasonably have foreseen.

(C) Where the accused has called witnesses as to character, the prosecutor before the time for the second address of the accused may call or re-call witnesses for the purpose of proving a previous conviction or entries in the conduct book against the accused.

(D) The court may call or re-call any witness at any time before the finding, if they consider that it is necessary for the ends of justice.

Friend of Accused and Counsel.

Accused may have a person to assist him on trial.

87.—(A) An accused person may have a person to assist him during the trial, whether a legal adviser or any other person.

(B) A person so assisting him may advise him on all points, and suggest the questions to be put to witnesses; and, if an officer subject to the Air Force Act, shall have the same rights and duties as counsel have under these rules, and the right of the accused shall be limited in like manner.

Counsel allowed in certain courts-martial.

88.—(A) Subject to these rules, counsel shall be allowed to appear on behalf of the prosecutor and accused at general and district courts-martial:

(1) When held in the United Kingdom; and

(2) When held elsewhere than in the United Kingdom or India, if the Air Council, or the convening officer, and when held in India, if the General Officer Commanding the Air Force in India, or the convening officer, declares that it is expedient to allow the appearance of counsel thereat, and such a declaration may be made as regards all general and district courts-martial held in any particular place, or as regards any particular general or district court-martial, and may be made subject to such reservation as to cases on active service, or otherwise, as seems expedient.

(B) Save as provided in Rule **87**, the rules with respect to counsel will apply only to the courts-martial at which counsel are, under this rule, allowed to appear.

Requirements for appearance of counsel.

89.—(A) Where an accused person gives notice of his intention to have counsel to assist him during the trial, either on the day on which he is informed of the charge or at any time not being less than seven days before the trial, or such shorter time before the trial as in the opinion of the court would have enabled the prosecutor to obtain, if he had thought fit, counsel to assist him during the trial, and would have enabled the authority appointing a judge-advocate to appoint counsel to act as judge-advocate at the trial, or where such notice as mentioned in (B) is given to the accused on the part of the prosecution, counsel may appear at the court-martial to assist the accused.

(B) If the convening officer so directs, counsel may appear on behalf of t prosecutor, but in that case, unless the notice in (A) has been given by the accus notice of the direction for counsel to appear shall be given to the accused such time (not in any case less than seven days) before the trial, as would, in opinion of the court, have enabled the accused to obtain counsel to assist him the trial.

(C) The counsel who appears before a court-martial on behalf of the prosecu or accused, shall have the same right as the prosecutor or accused for whom appears, to call, and orally examine, cross-examine, and re-examine witnes to make an objection or statement, to address the court, to put in any plea, a to inspect the proceedings, and shall have the right otherwise to act in the co of the trial in the place of the person on whose behalf he appears, and he sh comply with these rules as if he were that person; and in such a case that per shall not have the right himself to do any of the above matters except as rega the statement allowed by Rule **94**, or except so far as the court permit him to do.

(D) When counsel appears on behalf of the prosecutor, the prosecutor, called as a witness, may be examined and re-examined as any other witn and Rule **39** (C) and (D) shall not apply.

Counsel for prosecution.

90.—(A) The counsel for the prosecution should always make an open address, and should state therein the substance of the charge against the accus and the nature and general effect of the evidence which he proposes to add in support of it without entering into unnecessary detail.

(B) The counsel appearing on behalf of the prosecutor shall have the sa duty as the prosecutor, and is subject to be stopped and restrained by the co in the manner provided by Rule **60** (B).

Counsel for accused.

91.—(A) The counsel appearing on behalf of the accused has the like rig and is under the like obligations as are specified in Rule **60** (C) in the case the accused.

(B) If the court ask the counsel for the accused a queston as to any witn or matter, he may decline to answer, but he must not give to the court a answer or information which is misleading.

General rules as to counsel.

92.—(A) Counsel, whether for the prosecution or for the accused, will confo strictly to these rules and to the rules of civil courts in England relating to t examination, cross-examination, and re-examination of witnesses, and relati to the duties of counsel.

(B) If counsel puts to a witness a question as to a matter which is not relev except so far as it affects the credit of the witness by injuring his character, a the witness objects to answering the question, the court shall consider whet the witness should be compelled to answer it; and

(1) If they are of opinion that the imputation conveyed by the questi would, if true, seriously affect their opinion as to the credibility the witness, the court should require the witness to answer question; but

(2) If they are of opinion that the imputation, if true, would not affect, would not seriously affect the opinion of the court as to the credibil of the witness, the court should disallow the question.

If the question is disallowed, counsel on both sides will refrain from furth examining or commenting on the matter.

(C) Counsel will not state as a fact any matter which is not proved, or wh he does not intend to prove in evidence.

(D) Counsel will not state what is his own opinion as to any matter of fa before the court.

(E) Counsel will not, in a question to any witness, assume that facts have been given in evidence which have not been given in evidence, or that particular answers have been given contrary to the fact.

(F) Counsel will treat the court and judge-advocate with due respect, and shall, while regarding the exigencies of his case, bear in mind the requirements of Air-Force discipline in the respectful treatment of any superior officer of the accused who may attend as a witness.

Qualification of counsel.

93.—(A) Neither the prosecutor nor the accused has any right to object to counsel, if properly qualified.

(B) Counsel shall be deemed properly qualified—

(1) If in England or Ireland he is a barrister-at-law or solicitor.

(2) If in Scotland he is an advocate or law agent.

(3) If in India he is a barrister-at-law or is a legal practitioner authorised to practise, with right of audience, in a court of sessions.

(4) If in any other part of His Majesty's dominions he is recognised by the convening officer as having in that part rights and duties similar to those of a barrister-at-law in England and as being subject to punishment or disability for a breach of professional rules.

Statement by accused defended by counsel or officer.

94.—(A) If an accused person assisted by counsel, or by an officer subject to the Air Force Act, does not wish to give evidence on his own behalf, he may, if he thinks fit, at the close of the case for the prosecution and before the address by such counsel or officer, make a statement giving his account of the subject of the charges against him. The statement may be made either orally or in writing, but the accused making the statement shall not be sworn, and no question can be put to him by the court or by any other person.

(B) If the accused makes such a statement, the procedure will, so far as possible, be the same as if the accused had called witnesses to the facts of the case other than himself.

Proceedings.

Record in proceedings of transactions of court martial.

95.—(A) At a court-martial the judge-advocate, or, if there is none, the president, shall record or cause to be recorded all transactions of that court, and shall be responsible for the accuracy of the record (in these rules referred to as the proceedings); and if the judge-advocate is called as a witness by the accused, the president will be responsible for the accuracy of the record in the proceedings of the evidence of the judge-advocate.

(B) The evidence shall be taken down in a narrative form in as nearly as possible the words used; but in any case where the prosecutor, the accused person, the judge-advocate, or the court considers it material, the question and answer shall be taken down *verbatim*.

(C) Any question which has been objected to, and the tender of any evidence which has been objected to, shall, if the prosecutor or accused so requests, or the court think fit, be entered with the grounds of the objection, and the decision of the court thereon.

(D) Where any address by or on behalf of the prosecutor or person under accusation, or the summing up of the judge-advocate, is not in writing, it shall not be necessary to record the address or summing up in the proceedings further or otherwise than the court think proper, or in the case of the summing up than the judge-advocate requires, except that—

(1) The court shall in every case make such record of the defence made by the accused as will enable the confirming officer to judge of the reply made by or on behalf of the accused to each charge against him; and

(2) The court should also record any particular matters in the address by or on behalf of the prosecutor or accused person, which the prosecutor or accused person, as the case may be, requires.

(E) The court shall not enter in the proceedings any comment, or anythi not before the court, or any report of any fact not forming part of the trial; t if any such comment or report seems to the court necessary, the court may forwa it to the proper air-force authority in a separate document, signed by the presid

Custody and inspection of proceedings.

96. The proceedings shall be deemed to be in the custody of the judg advocate (if any), or if there is none, of the president, but may, with prop precautions for their safety, be inspected by the members of the court, t prosecutor, and accused respectively, at all reasonable times before the co is closed to consider the finding.

Transmission of proceedings after finding.

97.—(A) Where the court is a general court-martial the proceedings sh be at once sent by the person having the custody thereof, to such person may be from time to time directed by His Majesty, and subject to the provisio of any such direction of His Majesty, as may be directed by the order conven the court.

(B) Where the court is a district court-martial, the proceedings shall be once sent by the person having the custody thereof, to such person as may directed by the order convening the court, or in default of any such direction the confirming officer.

Preservation of proceedings.

98. The proceedings of a court-martial shall, after promulgation, be forward as circumstances require, to the office of the Judge-Advocate-General in Lond or India or to the Admiralty, and there preserved for not less, in the case o general court-martial, than seven years, and in the case of any other cou martial, than three years.

Rate of payment for copies of proceedings.

99. The rate at which copies of the proceedings of a court-martial shall supplied shall be the actual cost of the copy required, not exceeding twope for every folio of seventy-two words ; and the officer or person having the custo of those proceedings must, on demand made within the time limited for t preservation of the proceedings, supply a copy accordingly to any person tr by the court-martial.

Loss of proceedings.

100.—(A) If the original proceedings of a court-martial, or any part there are lost, a copy thereof, if any, certified by the president of or the judge-advoc at the court-martial, may be accepted in lieu of the original.

(B) If there is no such copy, and sufficient evidence of the charge, findi sentence, and transactions of the court can be procured, that evidence may, w the assent of the accused, be accepted in lieu of the original proceedings, or p thereof lost.

(C) In any case above in this rule mentioned, the finding and sentence, requiring confirmation, may be confirmed, and shall be as valid as if the origi proceedings, or part thereof, had not been lost.

(D) If, in a case where confirmation of a finding or finding and sentence required, the proceedings, or part thereof, were lost before confirmation, a there is no such copy or evidence, or the accused refuses such assent, as abo mentioned, the accused may be tried again, and on the issue of an order conven the court for the trial, the finding and sentence of the previous court, of wh the proceedings were so lost, shall be null.

Judge-Advocate.

Appointment of judge-advocate and disqualification.

101.—(A) Where the convening officer is authorised to appoint a judg advocate, he shall, in the case of a general, and may, in the case of a distri court-martial, by order appoint a fit person to act as judge-advocate at t court-martial.

(B) An officer who is disqualified for sitting on a court-martial shall be di qualified for acting as judge-advocate at the court-martial.

(C) A court-martial shall not be invalid by reason of any invalidity in the appointment of the judge-advocate officiating thereat, in whatever manner appointed, if a fit person has been appointed; but this rule shall not relieve from responsibility the person who made the invalid appointment.

Substitute on death, illness, or absence of judge-advocate.

102.—If the judge-advocate dies, or from illness, or from any cause whatever is unable to attend, the court shall adjourn, and the president shall report the circumstance to the convening authority; and a person not disqualified to be judge-advocate may be appointed by the proper authority, and he shall be sworn, and act as judge-advocate for the residue of the trial, or until the judge-advocate returns.

Powers and duties of judge-advocate.

103. The powers and duties of a judge-advocate are as follows:—

(A) The prosecutor and the accused respectively, are at all times, after the judge-advocate is named to act on the court, entitled to his opinion on any question of law relative to the charge or trial, whether he is in or out of court, subject, when he is in court, to the permission of the court;

(B) At a court-martial he represents the Judge-Advocate-General;

(C) He is responsible for informing the court of any informality or irregularity in the proceedings. Whether consulted or not, he will inform the convening officer and the court of any informality or defect in the charge, or in the constitution of the court, and will give his advice on any matter before the court.

(D) Any information or advice given to the court on any matter before the court will, if he or the court desire it, be entered in the proceedings.

(E) At the conclusion of the case he will, unless both he and the court consider it unnecessary, sum up the evidence and give his opinion upon the legal bearing of the case before the court proceed to deliberate upon their finding.

(F) Upon any point of law or procedure which arises upon the trial which he attends, the court should be guided by his opinion, and not overrule it, except for very weighty reasons. The court are responsible for the legality of their decisions, but they must consider the grave consequences which may result from their disregard of the advice of the judge-advocate on any legal point. The court, in following the opinion of the judge-advocate on a legal point, may record that they have decided in consequence of that opinion.

(G) The judge-advocate has, equally with the president, the duty of taking care that the accused does not suffer any disadvantage in consequence of his position as such, or of his ignorance or incapacity to examine or cross-examine witnesses or to make his own evidence clear or intelligible, or otherwise, and may, for that purpose, with the permission of the court, call witnesses and put questions to witnesses, which appear to him necessary or desirable to elicit the truth.

(H) In fulfilling his duties the judge-advocate will be careful to maintain an entirely impartial position.

Exception from Rules.

Suspension of rules on the ground of air force exigencies or the necessities of discipline.

104. Where it appears to the officer convening a court-martial, or to the senior officer on the spot, that the exigencies of the service, or the necessities of discipline, render it impossible or inexpedient to observe any of the rules 4 (C), (D), and (E), 5, 8, 13, and 14, he may, by order under his hand, make a declaration to that effect specifying the nature of such exigencies or necessities, and thereupon the trial or other proceeding shall be as valid as if the rule mentioned in the declaration had not been contained herein; and the declaration may be made with respect to any or all of the rules above in this rule mentioned in the case of the same court-martial.

Provided that the accused shall have full opportunity of making his defe and shall be afforded every facility for preparing it which is practicable, ha due regard to the said exigencies or necessities.

Field General Court-Martial.

The foregoing rules shall not, save as hereinafter mentioned, apply to general courts-martial, which shall be subject to the following rules:—

Convening of field general court-martial.

105.—(A) A field general court-martial may be convened—

(i) By any officer in command of a detachment or portion of the Force in any country beyond the seas when not on active ser where complaint is made to him that an offence has been comm by any person subject to the Air Force Act under his comm against the property or person of any inhabitant of or reside that country: or

(ii) By the commanding officer of any corps or unit or portion of a c or unit on active service, or by any officer in immediate comm of a body of the Air Force on active service, where it appear him, on complaint or otherwise, that a person subject to the Force Act has committed an offence.

(B) An officer in command of a detachment or portion of the Air F not on active service should not convene a field general court-martial in Majesty's dominions unless he is authorised so to do by the general o commanding that portion of the Air Force to which the officer belongs.

(C) An officer, before convening a field general court-martial for the of a person, shall be satisfied that it is not practicable to try the person b ordinary court-martial, and—where the officer is below the rank of field o and is not a commanding officer—be further satisfied that it is not practic to delay the trial for reference to a superior officer.

Composition of field general court-martial.

106.—(A) Not less than three officers must be appointed.

(B) If the convening officer is of opinion that three other officers are available to form the court, he may appoint himself president of the co but if he is of opinion that three other officers are available, or that altho three other officers are not available he is himself by reason of his positio confirming officer or otherwise not available, he must appoint as president other officer:—

Provided that the convening officer—

(i) Must not appoint as president any officer below the rank of field off unless he is himself below that rank, or unless in his opinion a officer is not available; and

(ii) Where under the foregoing provision he has power to appoint president an officer below the rank of field officer, must not app an officer below the rank of captain, unless in his opinion a cap is not available.

(C) The officers should have held commissions for not less than one and if in the opinion of the convening officer any officers are available who held commissions for not less than three years, he should appoint those of in preference to officers of less service.

(D) The provost-marshal, an assistant provost-marshal, and an officer is prosecutor or a witness for the prosecution, must not be appointed a me of the court, but save as aforesaid any available officers may be appointed to s

As to field general court-martial where air force exigencies occur.

107.—(A) Where the convening officer is satisfied that the exigencie the service or other circumstances prevent compliance with Rule 106, and it is not practicable to delay the trial for the purpose of such compliance, th in his opinion, three officers are not available, two will be appointed.

(B) The court may be convened, and the proceedings of the court reco in accordance with the form in the Second Appendix to these rules;

t appears to the convening officer that the exigencies of the service or other circumstances prevent the use of that form, the court-martial may be convened and the proceedings carried on without any writing, except that such written record as seems practicable must be kept by the provost-marshal or assistant provost-marshal, if present, or if not, by the president and the officer charged with the promulgation, stating as near as may be the particulars set forth in the form, and stating at least the name (or, if the name is not known, the description) of the offender, the offence charged, the finding, sentence, and confirmation, and any recommendation to mercy.

(C) The convening officer will report to superior authority for the information of the officer who, if a field general court-martial had not been convened, would have had power to convene a general court-martial to try the accused, the exigencies of the service or other circumstances which prevented compliance with Rule 106, or the use of the form in the Second Appendix.

Charge.

108. The statement of an offence may be made briefly in any language sufficient to describe or disclose an offence under the Air Force Act.

Trial of several accused persons.

109. The court may be sworn at the same time to try any number of accused persons then present before it, but, except so far as accused persons are tried together for an offence committed collectively, the trial of each accused person will be separate.

Challenge.

110.—(A) The names of the president and members of the court will be read over in the hearing of the accused persons, and they will be asked if any of them objects to be tried by any of those officers.

(B) If any accused person objects to an officer, and any member of the court thinks the objection reasonable, steps will be taken to try the accused before a court composed of officers against whom he has no reasonable objection.

Swearing court.

111.—(A) The president will administer to the other members of the court, and a member of the court, when sworn, will administer to the president, the following oath:—

"You , do swear that you will well and truly try the accused person [*or* persons] before the court according to the evidence, and that you will duly administer justice according to the Air Force Act now in force, without partiality, favour, or affection, and you do further swear that you will not divulge the sentence of the court until it is duly confirmed, and you do further swear that you will not, on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required in due course of law. So help you GOD."

(B) The following oath shall be administered by a member of the court to every interpreter:

"You do swear that you will to the best of your ability truly interpret and translate, as you shall be required to do, touching the matter before this court-martial. So help you GOD."

Arraignment.

112. When the court are sworn, the president will state to the accused then to be tried the offence with which he is charged, with, if necessary, an explanation giving him full information of the act or omission with which he is charged, and will ask the accused whether he is guilty or not of the offence.

Plea to jurisdiction.

113. If a special plea to the general jurisdiction is offered by the accused, and is considered by the court to be proved, the court shall report the same to the convening officer.

Witnesses.

114.—(A) The witnesses for the prosecution will be called, and the accused will be allowed to cross-examine them, and to call any available witnesses for his defence.

(B) The following oath shall be administered by a member of the court to every witness:—

"The evidence which you shall give before this court shall be the truth the whole truth, and nothing but the truth, So help you GOD."

(C) The President of the court shall take down, or cause to be taken down a short summary of the evidence of all the witnesses at the trial, and the summary so taken down shall be attached to the proceedings:

Provided that, if it appears to the convening officer that the exigencies of the service or other circumstances prevent compliance with this provision the trial may be carried on without any summary being taken down, but in every such case the convening officer shall report to superior authority in the same manner as he is required to do under the provisions of Rule 107 (*c*).

Mode of swearing witness, and solemn declaration.

115.—(A) A member of the court or a witness may take an oath with such ceremonies and in such manner as makes the oath binding on his conscience and the words "you" and "So help you GOD" may be varied or omitted for the purpose.

Solemn declaration by witness.

(B) If a member of the court or a witness or an interpreter objects to take an oath, or is objected to as incompetent to take an oath, and the court is satisfied of the sincerity of the objection, or, where the competence of the person to take the oath is objected to, of the oath having no binding effect upon the conscience of the person, the court shall permit the person, in lieu of an oath, to make a solemn declaration, which will be in the same form as the oath, with the substitution of "I" for "you," and with the omission of "You do swear that" and "So help you GOD," and with the substitution or addition, where necessary, of "I do solemnly declare that."

Defence.

116. The accused will be asked what he has to say in his defence, and shall be allowed to make his defence.

Acquittal.

117.—(A) In the case of an equality of opinions on the finding the accused will be acquitted.

(B) The finding of acquittal requires no confirmation, and, if it relates to all the offences charged against an accused person, will be declared at the time of the finding, and the accused will thereupon be discharged from custody.

Sentence.

118.—(A) The court, if consisting of three or more officers, may award any sentence which a general court-martial can award; but if the court passes sentence of death, the whole court must concur.

(B) The court, if consisting of two officers, may award any sentence authorised for the offence, not exceeding field punishment, or two years' imprisonment with hard labour.

(C) Any recommendation to mercy will be attached to the proceedings and communicated to the accused, together with the finding and sentence.

General provisions as to votes and powers of court.

119.—(A) Except as provided by Rules 110 (B), 117, and 118, every question will be determined by the majority of opinions, and in case of equality the president shall have a second or casting vote.

(B) If, after the commencement of the trial, the court consider that an accused person named in the schedule to the order convening the court should be tried by an ordinary court-martial, the court may strike the name of the person out of the schedule.

(C) The proceedings shall be held in open court, in the presence of the accused, except on any deliberation among the members, when the court may be closed.

(D) The court may adjourn from time to time, and may, if necessary, visit any place.

Confirmation.

120.—(A) Except in the case of acquittal, the finding and sentence of the court shall be valid only in so far as they are confirmed by proper air-force authority.

(B) The provost-marshal or an assistant provost-marshal cannot confirm the finding or sentence of the court.

(C) A prosecutor of an accused person or a member of the court trying an accused person cannot confirm the finding or sentence of the court as regards that person, except that if a member of the court trying an accused person would otherwise under these rules have power to confirm the sentence, and is of opinion that it is not practicable to delay the case for the purpose of referring it to any other officer, he may confirm the finding and sentence.

(D) A sentence of death or penal servitude awarded by a field general court-martial shall not be carried into effect unless or until it has been confirmed by the general, field or flag officer commanding the force with which the person under sentence is present at the date of the sentence whether such officer is an officer of the air force or of the naval or military forces.

(E) In any case where a sentence of imprisonment or detention is passed, the confirming authority shall after confirmation forthwith transmit the proceedings to the officer in chief command of the forces in the field comprising the force with which the accused is present, whether such officer is an air force, military or naval officer.

Provided that the confirming officer shall not be required to refer any case to the officer in chief command in the field if in confirming the sentence he commutes it so as to make it a punishment less than detention.

(F) Subject to the preceding provisions of this Rule, the finding and sentence of a field general court-martial as regards any person may be confirmed—

(i) Where the court was convened by an officer in command of a detachment or portion of the air force not on active service, by an officer authorised to confirm the findings and sentences of general courts-martial for the trial of offences in the force of which the detachment or portion of the air force form part; and

(ii) Where the court was convened by an officer in command of any detachment or portion of the air force on active service, by the senior officer, not being an officer below the rank of field officer, present at the place where the trial takes place, or if there is no officer not below that rank present at that place, by the senior officer not below the rank of field officer present at any other place.

(G) Any officer may, if he thinks it desirable, reserve any finding or sentence for confirmation by superior authority.

(H) A confirming authority shall not send back a finding and sentence for revision more than once, nor recommend the increase of a sentence, and on any revision the court shall not take further evidence nor increase the sentence.

Application of rules.

121. The foregoing rules—54 (Mitigation of sentence on partial confirmation), 56 (Confirmation notwithstanding informality in or excess of punishment), 97 (Transmission of proceedings after finding), 98 (Preservation of proceedings), 99 (Rate of payment for copies of proceedings), and 100 (Loss of proceedings)—shall, so far as practicable, apply as if a field general court-martial were a district court-martial.

Definitions.

122.—(A) In the rules with respect to field general courts-martial, unless the context otherwise requires, the expressions "practicable" and "available" mean respectively practicable and available, having due regard to the public service.

(B) The expression "commanding officer of a corps or unit or portion of a corps or unit" means the officer whose duty it is under the provisions of His Majesty's Regulations, or, in the absence of any such provisions, under the

custom of the service, to deal with a charge against any of the persons belong to the corps or unit or portion of a corps or unit who are present under command, of having committed an offence, that is, to dispose of the ch on his own authority or to refer it to superior authority.

Evidence of opinion of convening and confirming officer.

123. Any statement in an order convening a field general court-mar as to the opinion of the convening officer, and any statement in the min confirming the finding or sentence of a field general court-martial as to the opin of the confirming officer, shall be conclusive evidence of that opinion, but t rule shall not prejudice the proof at any time of any such opinion when not stated.

PART II.—MISCELLANEOUS.

Regulations for Courts of Inquiry, other than Courts of Inquiry held under Section of the Air Force Act.

Courts of inquiry.

124.—(A) A court of inquiry is an assembly of officers directed to col evidence, and, if so required, to report with regard to any matter which may referred to them.

(B) A court of inquiry may be assembled by the Air Council or by the off in command of any body of the Air Force, whether belonging to one or m corps or units.

(C) The court may be composed of any number of officers of any rank, of any branch or department of the service, according to the nature of investigation.

(D) The court will be guided by the written instructions of the author who assembled the court. The instructions will be full and specific, and state the general character of the information required. They will also s whether a report is required or not.

(E) Previous notice should be given of the time and place of the meet of a court of inquiry, and of all adjournments of the court, to all per concerned in the inquiry.

(F) Whenever any inquiry affects the character or reputation of an of or airman as a member of the Air Force, full opportunity must be afforded the officer or airman of being present throughout the inquiry, and of mak any statement and of giving any evidence he may wish to make or give, of cross-examining any witness whose evidence, in his opinion, affects character or reputation as a member of the Air Force, and producing witnesses in defence of his character or reputation as such a member.

(G) It is the duty of a court of inquiry to put such questions to a wit as they think desirable for testing the truth or accuracy of any evidence he given, and otherwise for eliciting the truth.

(H) When a court of inquiry is held on recovered prisoners of war, an any other case in which the authority who assembled the court has so direc the evidence will be taken on oath, in which case the court will administer same oath or solemn declaration to witnesses as if the court were a court-mar

The authority who assembled the court will, when the court is held returned prisoner of war, direct the court to record their opinion whether officer or airman concerned was taken prisoner by reason of the chances war, or through neglect or misconduct on his part, and the authority assembled the court will record his own opinion. In other cases the c will give no opinion on the conduct of any officer or airman unless so direc by the authority who assembled the court.

(I) The members of the court will not themselves be sworn, but when the court is a court of inquiry on recovered prisoners of war the members will make the following declaration :—

I, A.B. do declare upon my honour that I will duly and impartially inquire into and give my opinion as to the circumstances in which became a prisoner of war, according to the true spirit and meaning of His Majesty's Orders and Regulations on this head; and I do further declare, upon my honour, that I will not on any account, or at any time, disclose or discover my own vote or opinion, or that of any particular member of the court, unless required to do so by competent authority.

(J) The court may be re-assembled as often as the authority who assembled the court may direct, for the purpose of examining additional witnesses, or further examining any witness, or recording further information.

(K) The whole of the proceedings of a court of inquiry will be forwarded by the president to the authority who assembled the court.

(L) The proceedings of a court of inquiry, or any confession, statement, or answer to a question made or given at a court of inquiry, shall not be admissible in evidence against an officer or airman, nor shall any evidence respecting the proceedings of the court be given against any officer or airman, except upon the trial of any officer or airman under Section 29 of the Air Force Act, for wilfully giving false evidence before that court.

(M) An officer or airman who is tried by court-martial in respect of any matter or thing which has been reported on by a court of inquiry, and, unless the Air Council see reason to order otherwise, an officer or airman whose character or reputation as a member of the Air Force is, in the opinion of the Air Council, affected by anything in the evidence before, or in the report of, a court of inquiry, shall be entitled to a copy of the proceedings of the court, including any report made by the court, on payment of the actual cost of the copy required, not exceeding twopence for every folio of 72 words.

Regulations for Courts of Inquiry under Section 72 of the Air Force Act, for the purpose of determining the illegal Absence of Airmen.

125.—(A) A court of inquiry under Section 72 of the Air Force Act will, when assembled, require the attendance of such witnesses as they think sufficient to prove the absence and other facts specified as matters of inquiry in that section. Courts of inquiry as to illegal absence under s. 72.

(B) The court will take down the evidence given them in writing, and at the end of the proceedings will make a declaration of the conclusions at which they have arrived in respect of the facts they are assembling to inquire into.

(C) The commanding officer of the absent airman will enter in the service books a record of the declaration of the court, and the original proceedings will be destroyed.

(D) The court of inquiry will examine all witnesses who may be desirous of coming forward on behalf of the absentee, and will put such questions to them as may be desirable for testing the truth or accuracy of any evidence they have given, and otherwise for eliciting the truth, and the court in making their declaration, will give due weight to the evidence of all such witnesses.

(E) A court of inquiry will administer the same oath or solemn declaration to the witnesses as if the court were a court-martial, but the members of such court will not themselves be sworn.

Explanation of "Prescribed" and "Commanding Officer."

Prescribed officer for committing, removing, and commuting authority and for the purpose of ss. 43 and 73.

126.—(A) The expression "prescribed officer" in the several provisions of the Air Force Act defining the committing authority has the following meaning respectively, that is to say:—

(1) In Sections 59 and 64 the general officer commanding the air-force district in which the air-force convict or airman under sentence is;

(2) In Section 60—

(*a*) The officer who confirmed the sentence;

(*b*) The commanding officer of the air-force convict; and

(*c*) The general or other officer not below the rank of field officer commanding the air force in the district or station in which the air-force convict is.

(3) In Section 61—

(*a*) The commanding officer of the air-force convict; and

(*b*) The general officer commanding the portion of the air force with which the air-force convict is.

(4) In Section 65, in India or any colony the general or other officer not below the rank of field officer commanding the air force in the district or station in which the airman under sentence is.

Provided that an officer who is hereinbefore prescribed as the committing authority for the purposes of Sections 59, 64, and 65 respectively, shall not by reason only that he is so prescribed, be deemed to have been prescribed as the discharging authority for the purpose of those sections respectively.

(B) The expression "prescribed officer" for the purpose of the provisions of Section 64 of the Air Force Act, defining the removing authority, means any of the officers named in paragraph (1) of subsection (A) of this rule, and the competent air-force authority under Section 67 of the said Act means in the United Kingdom any of the officers named in paragraph (1) of subsection (A) of this rule; in India or a colony any of the officers named in paragraph (4) of subsection (A) of this rule.

(C) The expression "prescribed officer" for the purpose of subsection (2) of Section 57 of the Air Force Act means as respects a person undergoing sentence in the United Kingdom any of the officers named in paragraph (1) of subsection (A) of this rule; as respects a person undergoing sentence in India or a colony any of the officers named in paragraph (4) of subsection (A) of this rule; and as respects a person undergoing sentence in a foreign country any of the officers named in paragraph 3 (*b*) of subsection (A) of this rule.

(D) The expression "prescribed officer" in the provisions of Sections 60 and 65 of the Air Force Act, defining the discharging authority, means:—

In the United Kingdom the general officer commanding the air-force district in which the airman under sentence is, the officer commanding the command in which the airman under sentence is, or an officer not under the rank of brigadier-general in or under whose command the airman under sentence may for the time being be, provided he does not hold a command inferior to that of the officer who confirmed the sentence.

In India or a colony any of the officers named in paragraph (4) of subsection (A) of this rule.

(E) The expression "prescribed general officer" for the purpose of Section 61 of the Air Force Act means the general officer commanding-in-chief the command or the general officer commanding the district or station where the airman may for the time being be.

(F) The expression "prescribed general officer" for the purpose of subsection (3) of Section 73 of the Air Force Act means:—

(i) As respects an airman serving in the United Kingdom any officer not under the rank of brigadier-general, in or under whose command the airman may for the time being be.

(ii) As respects an airman serving in India or a colony the general officer in command of the air force in the district or station where the airman is.

(iii) As respects an airman serving in a foreign country the general officer in command of the air force with which the airman is.

Prescribed procedure for court of inquest (India) under s. 133.

127. When a court of inquest is required to be convened by the commanding officer under section 133 of the Air Force Act, the court shall be convened and inquest held in manner following:—

(*a*) The commanding officer of the station will order the court to assemble.

(*b*) The court will consist of three officers and of a medical officer.

(*c*) The court shall not take evidence on oath, and shall warn every person who is accused or suspected that he is not required to give evidence criminating himself, but that any statement or evidence he gives may be used against him in the event of any further proceedings being instituted.

(*d*) The court, after hearing the evidence, shall report to the officer commanding the station, the evidence as to the cause of the death, together with the written opinion of the medical officer of the court, on his examination of the body, as to the cause of death.

(*e*) The commanding officer shall, as soon as practicable, forward the report of the court to the nearest civil magistrate having authority to hold an inquest on death, who may proceed thereon as if he had himself held the inquest.

Prescribed officer for competent air force authority (s. 101).

128. The competent air-force authority in Part II of the Air-Force Act shall include the following officers, viz.:—

(i) In any place situate outside the United Kingdom the general or other officer commanding the air force in that place, or any general officer of the air force in that place.

In addition to the above-named officers it also includes:—

(ii) For the purposes of sections 80, 84, and 85 of the said Act, the commanding officer of the airman, and every officer superior in command to that commanding officer, and not hereinbefore included;

(iii) For the purposes of section 99, any officer having power to convene a district court-martial for the trial of the airman.;

(iv) Such officer as may be directed from time to time by His Majesty's Regulations to perform in any place or for any purpose specified in that behalf the duty of the competent air force authority.

Definition of "commanding officer."

129. The expression "commanding officer," as used in the sections of the Air Force Act, relating to "*Courts-Martial*," to the "*Execution of Sentence*," and to the "*Power of Commanding Officer*," and in the provisions consequential thereon, and in these Rules, means, in relation to any person, the officer whose duty it is, under the provisions of His Majesty's Regulations, or, in the absence of any such provisions, under the custom of the service, to deal with a charge against that person of having committed an offence, that is, to dispose of it on his own authority.

It also, so far as relates to the summary award of any punishments for offences being punishments which under the provisions of His Majesty's Regulations an officer commanding a squadron or park is authorised to award, and so far as relates to a summary finding in a case of absence without leave, includes the officer commanding a squadron or park.

Prisons and Detention Barracks Abroad.

Committal and removal of prisoners in one colony to authorised prisons in other colonies.

130.—(A) An air force prisoner who has been sentenced to imprisonment in any place out of the United Kingdom may, if he is in any place mentioned in the first column of the following table, be committed, or, if he has been committed to prison, be removed, if occasion arises, to a detention barrack or prison wherever situate, or to an *authorised* prison situate in any place mentioned opposite thereto in the second column of the following table:—

TABLE.

An airman under sentence of imprisonment, and being in any place in any of the groups following:—	May be committed, or, if he has been committed to a prison, may be removed, to an authorised prison in—
GROUP I. (American and Mediterranean.)	
Canada. Newfoundland. Bermuda. Gibraltar. Malta. Cyprus. Egypt.	Any place in Group I (American and Mediterranean); or In Group III (South African); or In Group VII.
GROUP II. (West Indian.)	
West Indies, including— Jamaica. Turks and Caicos Islands. Bahamas. Barbados and Windward Islands. Trinidad and Tobago. Leeward Islands. Honduras. British Guiana.	Any place in Group II (West Indian); or In Group I (American and Mediterranean); or In Group III (South African); or In Group VII.
GROUP III. (South African.)	
South Africa, including— Cape of Good Hope. Natal. Griqualand West. Transvaal Colony. Orange River Colony. Southern Rhodesia. Northern Rhodesia. St. Helena.	Any place in Group III (South African); or In Group I (American and Mediterranean); or In Group V (Australasian); or In Group VII.
GROUP IV. (West African.)	
West African Colonies, including— Sierra Leone. Gambia. Gold Coast. Nigeria.	Any place in Group IV (West African); or In Group I (American and Mediterranean); or In Group II (West Indian); or In Group III (South African); or In Group VII.
GROUP V. (Australasian.)	
Commonwealth of Australia. New Zealand. Fiji. Falkland Islands.	Any place in Group V (Australasian); or In Group I (American and Mediterranean); or In Group III (South African); or In Group VII.

GROUP VI.	
India, as defined by the Army Act, and including— Aden and Perim. Mauritius. Ceylon. Hong Kong. Straits Settlements. Labuan.	Any place in Group VI; or In Group I (American and Mediterranean); or In Group III (South African); or In Group V (Australasian); or In Group VII.
GROUP VII.	
Channel Islands and Isle of Man.	Any place in Group VII.
GROUP VIII. (East African.)	
East Africa, including— East Africa Protectorate. Nyasaland Protectorate. Somaliland Protectorate. Uganda Protectorate. Zanzibar Protectorate.	Any place in Groups I—VIII.

This rule shall not authorise any removal from a prison in the United Kingdom to a prison elsewhere.

(B) An airman sentenced to detention in any place out of the United Kingdom may be committed, or if he has been committed to a detention barrack or branch detention barrack, be removed, if occasion arises, to a detention barrack or branch detention barrack wherever situate; but this rule shall not authorise any removal from a detention barrack or branch detention barrack in the United Kingdom to a detention barrack or branch detention barrack elsewhere.

PART III.—SUPPLEMENTAL.

Exercise powers vested in holder of air force office.

131. Any power or jurisdiction given to, and any act or thing to be done by, or before any person holding any air force office for the purpose of these rules, may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service.

Cases unprovided for.

132. In any case not provided for by these rules such course will be adopted as appears best calculated to do justice.

Forms in Appendices.

133.—(A) The forms in the appendices to these rules should be followed in all cases in which they are applicable, and when used shall be valid in law, but any deviation from any such form will not, by reason only of such deviation, render any charge, warrant, order, proceedings, or other document invalid.

(B) An omission of any such form will not, by reason only of the omission, render any act or thing invalid.

(C) The notes to, and instructions in, the forms will be considered as instructions which it is expedient to follow in all cases to which the notes and instructions apply.

The Air Council may append to any of the forms when issued for use such further notes as they think fit, and any such notes will be considered as instructions which it is expedient to follow in all cases to which they apply.

Definitions.

134. In these rules, unless the context otherwise requires—

(A) The expression "proper air force authority," when used in relation to any power, duty, act, or matter, means such air force authority as, in pursuance

of His Majesty's Regulations or the custom of the service, exercises or perfo
that power or duty or is concerned with that act or matter.

(B) The expression "Air Force Act" includes any Act, whether passed bef
or after the date of these rules, which amends or applies the Air Force Act;
any Act, whether passed before or after the date of these rules, which enacts
offence which is triable by court-martial.

(C) In any sentence of imprisonment, detention or field punishment pas
after the date on which these rules come into operation the word "mont
shall, unless the contrary is expressed, be construed as meaning "calen
month."

(D) Other expressions have the same meaning as if these rules formed p
of the Air Force Act, and accordingly words in the singular number include
plural, and words in the plural number include the singular, and the masc
gender includes the feminine gender.

Construction of rules.

135.—(A) Time, for the purposes of any proceeding or other matter un
these rules, shall be reckoned exclusive of Sunday, Good Friday, and Christ
Day, but any time reckoned for the purposes of Rule **6**, or of any punishmen
of any deduction of pay, shall include those days.

(B) Any report or application directed by these rules to be made to a supe
authority, or proper air force authority, shall be made in writing through
proper channel, unless the authority, on account of the exigencies of the ser
or otherwise, dispenses with the writing.

(C) These rules shall apply to a person subject to the Air Force Act as
officer, in like manner, so nearly as circumstances admit, as if he were an off
and to a person subject to the Air Force Act as an airman in like manner, so ne
as circumstances admit, as if he were an airman, subject nevertheless to
restrictions contained in the Air Force Act, and to this qualification—that not
in these rules shall confer on any person not an officer or airman any jurisdic
or power as an officer or airman.

(D) Nothing in these rules shall be construed to be contrary to or inconsis
with any provision of the Air Force Act.

Application of rules to Channel Islands, and Isle of Man.

136. These rules shall, save as otherwise expressly provided, apply to
Channel Islands and the Isle of Man in like manner as if they were part of
United Kingdom.

Extent of application of rules.

137. These rules shall apply in every place, whether within or without
Majesty's dominions.

Short title.

138. These rules may be cited as the Rules of Procedure (Air Force), 191

Commencement of rules.

139. (A) The foregoing rules shall come into operation forthwith.

We hereby signify that His Majesty has made the foregoing rules u
Section 70 of the Air Force Act and that His Majesty has certified that on acc
of urgency the said rules should come into immediate operation and
accordingly made the said rules to come into operation forthwith as provis
rules.

ROTHERMERE,
One of His Majesty's Principal
Secretaries of State.

Air Ministry,
26th March, 1918.

H. L. HEATH.
HUGH TOTHILL.
Lords Commissioners of the Admir

Admiralty,
26th March, 1918.

Appendices to Rules of Procedure, 1918.

FIRST APPENDIX.

FORMS OF CHARGES.

NOTE AS TO USE OF FORMS OF CHARGES.

(1) Every charge-sheet will begin as shown in the forms in Part I of the forms of charges which are given as examples.

The description of an officer or airman of the regular air force by his rank and corps or unit is a sufficient averment that he is an officer or airman, and that he is amenable to air-force law. In other cases, words must be added to show that the person is amenable to air-force law. (See Rule 10.)

(2) The commencement of the charge-sheet (according to the form in Part I) will be followed by the charge or charges.

(3) Each charge will consist of two parts: a statement of the offence, and a statement of the particulars. (Rule 11 (B).)

(4) The statement of the offence will be in one of the forms in Part II.

(5) Where two or more words or expressions occur in Part II, bracketed together one under the other, the particular word or expression should be used which most accurately describes the offence which appears to the officer framing the charge to be capable of proof by legal evidence.

(6) Where the officer framing the charge is doubtful whether the offence so capable of being proved by legal evidence is more accurately described by one word, or expression, or by another, he may frame two or more alternative charges, each charge containing one of the words or expressions which appear to the officer to be applicable to the facts as capable of proof.

(7) Where two or more of the words or expressions bracketed together appear, when coupled together with the word "and," accurately to describe the offence, the charge may couple together such words or expressions; but in no case must the charge couple with the word "or" two or more of the words or expressions bracketed together. (See Rule 11 (A).)

(8) For example, a man may be charged with making away with his arms, ammunition, *and* necessaries; but a charge for making away with his arms, ammunition, *or* necessaries will be a bad charge.

(9) A man should not be charged, however, with making away with by pawning *and* selling his arms and necessaries, as in such case he is charged with at least two distinct offences, which ought to be included in at least two distinct charges, one for making away with by *pawning* his arms and necessaries, the other for making away with by *selling* his arms and necessaries; but he may, if desirable, be charged in four distinct charges: one for pawning his arms, another for pawning his necessaries; a third for selling his arms and a fourth for selling his necessaries.

(10) In the former example (para. 8) the offence is the sale of some article which he is prohibited from selling, and is the same offence although committed in respect of different articles. In the second example (para. 9) there are two distinct offences of making away with his articles—(*a*) by pawning, (*b*) by selling—although committed in respect of the same objects—arms and necessaries.

(11) In a few cases, shown in italics bracketed thus [ ] (as for instance, in s. 4 (1 *b*), s. 6 (1), (*e*), (*g*), and (*h*), and s. 24), words may be inserted in the charge which are not in the Act. In these cases the Act contains a general expression such as "other person," or "other place," or "other means," and the officer framing the charge must omit these words, and insert a description of the person, place, or means.

(12) Words inserted in brackets, thus [ ], without italics, must be adopted or not according to circumstances. For example, if the offender was not on active service, the words, "when on active service," must be omitted.

(13) In some cases (for example, s. 10 (4), s. 14, s. 15 (3), s. 16, and ss. 18, 27 (3) (4), and 37), the offence can only be committed by an officer or by a non-commissioned officer or by an airman. The forms of charge do not contain any reference to this fact, inasmuch as it will appear from the commencement of the charge whether the accused is or is not an officer, non-commissioned officer or airman, and therefore capable of committing the offence. Care, however, must be taken not to charge an officer with an offence which an airman only can commit, nor an airman with an offence which an officer only can commit.

(14) The statement of the offence in each charge will be followed by the appropriate statement of particulars, commencing with the words "in that he," &c., or "in having," &c., and stating in brief ordinary language what the accused is alleged to have done.

(15) The words "in that he" will be followed by the verb in the past tense, the words "in having" will be followed by the past participle. The sentence stating the particulars will be framed more easily sometimes in the one form, sometimes in the other.

(16) In the case of several charges, the particulars in one charge may refer to the particulars in another (Rule 11 (E)); as, for example, "in having done the acts alleged in the particulars to the first charge," or "in that, at the place and time aforesaid, he was deficient in the necessaries above mentioned in the second charge, which it was his duty to have." If the accused is acquitted on any charge in which full particulars were set out, and is convicted on a charge which referred to those particulars, the particulars referred to must be treated as having been set out in full in the charge on which the accused is convicted, and must be set out in full in any record of conviction in which the particulars are set out.

(17) The statement of particulars should specify all the ingredients necessary to constitute the offence: for example, if the charge is under s. 9 (2), for disobeying a lawful command, the "particulars" must state the command, and show that it was given by a superior officer, and also how the accused disobeyed the command; while, if the charge is under s. 9 (1), the "particulars" should also show how the command was given personally, and how the accused showed wilful defiance of authority.

(18) The "particulars" should always give a general description of the place where the offence was committed, such as the station or town or "the line of march," and, if it is material to the charge and is known, the exact place. The prepositions "near" or "between" may be used (for instance, "at or near," "between") to assist in describing a place not exactly known, but they must never be used where the exact place is of the essence of the offence.

(19) The "particulars" should always state the date at which the offence was committed. If the exact date or time is unknown, the offence may be stated as having been committed "on or about" a particular day or time. This must never be done where the time is of the essence of the offence, as, for example, the case of absence without leave or being drunk on a post.

(20) In some cases the offence may be stated with most accuracy as having been committed between two days or between two times: as, for instance, in the case of absence without leave, or of quitting a post; in other cases "between" may be used in consequence of the exact day or exact time not being known.

(21) The words "or near" and "or about" and "between" should never be used unless it is impossible to express the exact place or time, or the exact place or time is clearly unimportant, or unless the word "between" is the most accurate expression of the place or time.

(22) In many cases, as, for instance, where the defence is an alibi, the time and place may be of the utmost importance in proving that alibi, although it is not the essence of the offence.

(23) There must be added at the end of the "particulars" a statement of any expenses, loss, or damage in respect of which the court-martial will be asked to award compensation under Section 137 or 138 (Rule 11 (F)). For example, there may be added to the "particulars" in the case of a charge of fraudulent enlistment, an averment to the effect that the accused thereby obtained a free kit, value pounds, and in the case of a charge under s. 10 (2) or (3), that the accused thereby damaged 's coat, to the value of shillings, and 's watch to the value of shillings; and other statements may be made, according to the facts.

(24) If, however, the expenses, loss, or damage were caused by an act or omission which constitutes another offence, specially specified in the Act, that act or omission should be charged as a separate offence; for example, if a man deserts, and is deficient in his service necessaries, he should be charged in a separate charge for loss by neglect of his necessaries. It would not be proper to state it as a consequence of the desertion, or to award compensation for it upon a conviction for desertion only.

(25) A charge for an offence under the Acts applying to the auxiliary air force or air-force reserve, or any other Act other than the Air Force Act must, in accordance with the Rules of Procedure 11 and 134 (B), follow as nearly as possible the words of the Act as adapted to the air force in question; and where the enactment is in the alternative, each charge must, as in the following forms, state only one of the alternatives.

FORMS OF CHARGES.

PART I.

Commencement of Charge-Sheet.

The accused [*rank, name, corps or unit*] an officer of the regular air force,

or,

The accused [*number, rank, name, corps or unit*] an airman of the regular air force,

or,

The accused [*name, rank, etc.*] an { officer / petty officer / seaman } of the Naval Forces { lent to / attached to / seconded for service with }

the air force being subject to the Air Force Act is charged with:—

or,

The accused [*name, rank, corps or unit*] an { officer / soldier } of the Military Forces { lent to / attached to / seconded for service with }

the air force being subject to Air Force Law is charged with:—

or,

The accused [*rank, name, corps or unit*] an officer of the auxiliary air force,

or,

The accused [*number, rank, name, corps or unit*] an airman of the auxiliary air force out for training [*or otherwise subject to the Air Force Act*],

or,

The accused [*rank, name, corps or unit*] an officer [an airman] of a colonial force raised by order of His Majesty, and serving under the orders of an officer of the regular air force,

or,

The accused [*name*] being a person subject to the Air Force Act as an officer under the provisions of s. 175 (7) [*or* (8)] of the Air Force Act],

or,

The accused [*name*] a follower [sutler] of His Majesty's forces being subject to the Air Force Act as an airman [under the provisions of s. 176 (9) [*or* (10)] of the Air Force Act],

is charged with—

Where the offence has been committed by a person while subject to the Air Force Act, and he has ceased to be so subject at the time when he is charged (in accordance with the provisions of s. 158 *of the Air Force Act); as, for example, if an airman has been transferred to the air force reserve, or discharged, or if the training period of a reservist or man of the auxiliary air force has expired, the commencement of the charge will run as follows :—*

The accused [*name*] is charged with having, while being [*number, rank*] of the corps or unit [an airman of the regular air force] [*or otherwise subject to the Air Force Act*], committed the following offence [offences], namely,

or,

The accused [*name*] is charged with having, while being [*number, rank*] of the corps or unit, an air force reservist [*or* man of the auxiliary air force] out for training [*or otherwise subject to the Air Force Act*] committed the following offence [offences], namely,

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Part II.

Statement of Offence.

Offences in respect of Air Force Service.

Section 4.

(1*a*.) Shamefully {abandoning / delivering up} {a garrison. / a place. / a post. / a guard.}

(1*b*.) Using means to / compel / induce {a governor / a commanding officer / [*or other person*]} shamefully to {abandon / deliver up} {a garrison, / a place, / a post, / a guard,} which it was his duty to defend.

(2.) Shamefully casting away his {arms / ammunition / tools} in the presence of the enemy.

(3*a*.) Treacherously {holding correspondence with / giving intelligence to} the enemy.

(3*b*.) Treacherously / Through cowardice sending a flag of truce to the enemy.

(4*a*.) Assisting the enemy with {arms. / ammunition. / supplies.}

(4*b*.) Knowingly {harbouring / protecting} an enemy not being a prisoner.

(5.) When a prisoner of war, voluntarily {serving with / aiding} the enemy.

(6.) Knowingly doing, when on active service, an act calculated to { His Majesty's forces. / part of His Majesty's forces. } imperil the success of

(7.) { Misbehaving / Inducing others to misbehave } before the enemy in such manner as to show cowardice.

(8.) { Treacherously / Shamefully } causing the { capture / destruction } by the enemy of aircraft belonging to His Majesty.

(9.) Treacherously { giving a false air signal. / altering an air signal. / interfering with an air signal. }

(10.) When { ordered by his superior officer / under orders } { to carry out a warlike operation in the air } { treacherously / shamefully } { failing to use his utmost exertions to carry such orders into effect. }

Section 5.

(1.) When on active service, without orders from his superior officer, leaving the ranks { in order to secure prisoners. / in order to secure horses. / on pretence of taking wounded men to the rear. }

(2.) When on active service wilfully { destroying / damaging } property without orders from his superior officer.

(3a.) When on active service, being taken prisoner { by want of due precaution. / through disobedience of orders. / through wilful neglect of duty. }

(3b.) After being taken prisoner when on active service, failing to rejoin His Majesty's service when able to rejoin the same.

(4.) When on active service, without due authority { holding correspondence with / giving intelligence to / sending a flag of truce to } the enemy.

(5.) When on active service { by word of mouth / in writing / by signals / [*otherwise*] } spreading reports calculated to create unnecessary { alarm. / despondency. }

(6.) When on active service { in action / previously to going into action } using words calculated to create { alarm. / despondency }

(7.) When on active service negligently causing the { capture / destruction } by the enemy of aircraft belonging to His Majesty.

(8.) When on active service, when in the air { negligently / through default } { ordered by his superior officer / under orders } to carry out a warlike operation failing to use his utmost exertions to carry such orders into effect.

Section 6.

(1B.) [When on active service,] leaving his { guard / picquet / patrol / post } without orders from his superior officer.

(1C.) [When on active service,] forcing a safeguard.

(1D.) [When on active service,] { forcing / striking } a sentinel.

(1Ea.) [When on active service,] impeding { the provost-marshal / an assistant provost-marshal / an officer / a non-commissioned officer / [*other person*] } { legally exercising authority } { under on behalf of } { the provost-marshal. }

(1Eb.) [When on active service and] when called on, refusing to assist in the execution of his duty { the provost-marshal / an assistant provost-marshal / an officer / a non-commissioned officer / [*other person*] } { legally exercising authority } { under on behalf of } { the provost-marshal }

(1Fa.) [When on active service,] doing violence to a person bringing { provisions / supplies } to the forces.

(1Fb.) [When on active service,] committing an offence against the { property / person } { of an inhabitant of / of a resident in } { the country in which he was serving. }

(1G.) [When on active service,] breaking into a { house / [*other place*] } in search of plunder.

(1H.) [When on active service,] by { discharging firearms / making signals / using words / [*any means whatever*] } intentionally occasioning false alarms.

(1Ia.) [When on active service,] treacherously making known the { parole / watchword / countersign } to a person not entitled to receive it.

(1Ib.) [When on active service,] treacherously giving a { parole / watchword / countersign } different from what he received.

1J.) [When on active service,] irregularly { detaining / appropriating to his own } { corps / unit / detachment } { contrary to orders issued in that respect } { provisions / supplies } { proceeding to the forces. }

(1*k*.) When an airman acting as sentinel [on active service] { sleeping on his post. / being drunk on his post. / leaving his post before he was regularly relieved.

(1L.) [When on active service,] without due authority { altering / interfering with } an air signal.

(2A.) By { discharging firearms / making signals / using words / [*any means whatever*] } negligently occasioning false alarms.

(2B*a*.) Making known the { parole / watchword / countersign } to a person not entitled to receive it.

(2B*b*.) Without good and sufficient cause giving a { parole / watchword / countersign } different from what he received.

Mutiny and Insubordination.

Section 7.

(1.) { Causing / Conspiring with other persons to cause } { a mutiny / sedition } in forces belonging to His Majesty's { naval forces. / military forces. / air forces.

(2*a*.) Endeavouring to seduce a person in His Majesty's { naval forces / military forces / air forces } from allegiance to His Majesty.

(2*b*.) Endeavouring to persuade a person in His Majesty's { naval forces / military forces / air forces } to join in { a mutiny. / sedition.

(3*a*.) Joining in { a mutiny / sedition } in forces belonging to His Majesty's { naval forces. / military forces. / air forces.

(3*b*.) Being present at and not using his utmost endeavours to suppress { a mutiny / sedition } in forces belonging to His Majesty's { naval forces. / military forces. / air forces.

(4.) After coming to the knowledge of { an actual mutiny / an intended mutiny / actual sedition / intended sedition } in forces belonging to His Majesty's { naval forces / military forces / air forces } { failing to inform without delay his commanding officer of the same.

Section 8.

(1.) { Striking / Using violence to / Offering violence to } his superior officer, being in the execution of his office.

(2*a*.) [When on active service,] { striking / using violence to / offering violence to } his superior officer.

(2*b*.) [When on active service,] using { threatening / insubordinate } language to his superior officer.

Section 9.

(1.) Disobeying, in such manner as to show a wilful defiance of authority, a lawful command given personally by his superior officer in the execution of his office.

(2.) [When on active service,] disobeying a lawful command given by his superior officer.

Section 10.

(1.) When concerned in a fray { refusing to obey / striking / using violence to / offering violence to } an officer who ordered him into arrest.

(2.) { Striking / Using violence to / Offering violence to } a person in whose custody he was placed.

(3.) Resisting an escort whose duty it was { to apprehend him. / to have him in charge.

(4.) Breaking out of { barracks. / camp. / quarters.

Section 11.

(1.) Neglecting to obey local { general / [*other*] } orders.

Desertion, Fraudulent Enlistment, and Absence without Leave.

Section 12.

([When on active service] / [When under orders for active service]) deserting His Majesty's service. / attempting to desert His Majesty's service.

([When on active service] / [When under orders for active service]) persuading / endeavouring to persuade / procuring / attempting to procure a person subject to the Air Force Act to desert from His Majesty's service

Section 13.

and (2.) Fraudulent enlistment.

Section 14.

Assisting a person subject to the Air Force Act to desert His Majesty's service.

When cognisant of (the desertion / the intended desertion) (of a person subject to air force law not forthwith / the desertion) giving notice to his commanding officer. / taking some steps in his power to cause the (deserter / intending deserter) to be apprehended.

Section 15.

Absenting himself without leave.

Failing to appear at the place of (parade / rendezvous) appointed by his commanding officer.

Without leave, before he was relieved, going from the place of (parade / rendezvous) appointed by his commanding officer.

Without urgent necessity, quitting his (duty. / duties.)

(When in camp / When in garrison / When [*elsewhere*]) being found (beyond the limits fixed by / in a place prohibited by) (general / local / [*other*]) orders, without a pass or written leave from his commanding officer.

Without leave from his commanding officer or due cause absenting himself from school when duly ordered to attend there.

Disgraceful Conduct.

Section 16.

Behaving in a scandalous manner, unbecoming the character of an officer and a gentleman.

Section 17.

(When charged with / When concerned in) (the care / the distribution) of (public / service) (money / goods) (stealing / fraudulently misapplying / embezzling) the same

(When charged with / When concerned in) (the care / the distribution) of (public / service) (money / goods) (being concerned in the conniving at the) (stealing / fraudulent misapplication / embezzlement) thereof.

(When charged with / When concerned in) (the care / the distribution) of (public / service) goods wilfully damaging the same.

Section 18.

Malingering.

(Feigning / Producing) disease. / infirmity.

Wilfully (maiming / injuring) (himself / another airman) (with intent thereby to render) (himself / such other airman) unfit for service.

Causing himself to be (maimed / injured) by some person, with intent thereby to render himself unfit for service.

(Being wilfully guilty of misconduct by means of which misconduct / Wilfully disobeying orders by means of which disobedience) he (produced / aggravated / delayed the cure of) disease. / infirmity.

(4a.) Stealing / Embezzling
- money / goods
  - the property of
    - a comrade.
    - an officer.
  - belonging to a service
    - mess.
    - band.
    - institution.
- public money.
- public goods.

(4b.) Receiving, knowing them to be stolen / embezzled
- money / goods
  - the property of
    - a comrade.
    - an officer.
  - belonging to a service
    - mess.
    - band.
    - institution.
- public money.
- public goods.

(5a.) Such an offence of a fraudulent nature as is mentioned in sub-section five of section eig[illegible] of the Air Force Act.

(5b.) Disgraceful conduct of a cruel / an indecent / an unnatural kind.

Drunkenness.

Section 19.

Drunkenness.

Offences in Relation to Persons in Custody.

Section 20.

(1.) When in command of a guard / picquet / patrol / post [wilfully] releasing without proper authority a [illegible] committed to his charge.

(2.) Wilfully / Without reasonable excuse allowing to escape a person committed to his charge whom it was his duty to keep / guar[illegible]

Section 21.

(1a.) Unnecessarily detaining a person in arrest / confinement without bringing him to trial.

(1b.) Unnecessarily failing to bring a person's case before the proper authority for investigation

(2.) After having committed a person to the custody of an officer / a non-commissioned officer / a provost-marshal / an assistant provost-marshal failing without reasonable cause to deliver at the time of the committal or as soon as practicable within 24 hours after such committal to the officer / to the non-commissioned officer / to the provost-marshal / to the assistant-provost-marshal into custody [illegible] person [illegible] comm[illegible] an [illegible] in [illegible] signed [illegible] himse[illegible] the [illegible] with [illegible] the [illegible] so [illegible] mitte[illegible] charg[illegible]

(3.) When in command of a guard failing as soon as he was relieved from his guard / duty within twenty-four hours after a person was committed to his charge to give in writing to the officer to whom he was ordered to report
- that person's name.
- that person's offence so far as known to [illegible]
- the name / the rank of the officer / of the [*person*] by whom the [illegible] son was c[illegible]
- the written account given him by the officer [*person*] by whom the [illegible] was commit[illegible] his custody.

Section 22.

(1.) When in arrest / confinement / prison / [*other lawful custody*] escaping. / attempting to escape.

Offences in Relation to Property.

Section 23.

(1.) Conniving at the exaction of an exorbitant price for a house / stall let to a sutler.

(2.) Laying a duty upon / Taking a fee in respect of / Taking an advantage in respect of being interested in
- the sale of provisions / the sale of merchandise brought into a garrison / a camp / a station / barrack / a [*place*] in which he has comman[illegible] autho[illegible]
- the sale of / the purchase of provisions / stores for the use of some of His Majesty's for[illegible]

Section 24.

(a) Making away with by / Being concerned in making away with by { pawning / selling / destruction / [*otherwise*] } { his arms. / his ammunition. / his equipments. / his instruments. / his clothing. / his service necessaries. / a horse of which he had charge. }

(b) Losing by neglect { his arms. / his ammunition. / his equipments. / his instruments. / his clothing. / his service necessaries. / a horse of which he had charge. }

(c) Making away with by { pawning / selling / destruction / [*otherwise*] } an air force naval or military decoration granted him.

(d) Wilfully injuring { his arms. / his ammunition. / his equipments. / his instruments. / his clothing. / his service necessaries. / a horse of which he had charge. / an air force naval or military decoration granted him. / property belonging to { a comrade. / an officer. / a service mess. / a service band. / a service institution. } / public property. }

(e) Ill-treating a horse used in the public service.

Offences in Relation to False Documents and Statements.

Section 25.

(a) In a { report / return / muster roll / pay list / certificate / book / route / [*other document*] } { made by him / signed by him / of the contents of which it was his duty to ascertain the accuracy } { knowingly making / being privy to the making of } { a false statement. / a fraudulent statement. / an omission with intent to defraud. }

(b) { Knowingly, and / with intent to } { injure some person / defraud } { suppressing / making away with / defacing / altering } { a document which it was his duty to } { preserve. / produce. }

(c) Where it was his official duty to make a declaration respecting any matter knowingly making a false declaration.

Section 26.

(a) When signing a document relating to { pay / arms / ammunition / equipments / clothing / service necessaries / provisions / furniture / bedding / blankets / sheets / utensils / forage / stores } leaving in blank a material part for which his signature was a voucher.

(b) { Refusing to / By culpable neglect / omitting to } { make / send } { a report / a return } which it was his duty to { make. / send. }

Section 27.

(1.) Making a false accusation against { an officer / an airman } knowing such accusation to be false.

(2.) In making a complaint where he thought himself wronged { knowingly making a false statement affecting the character of { an officer. / an airman. } / knowingly and wilfully suppressing { material facts / a material fa }

(3.) Falsely stating to his commanding officer that he had { been guilty of { desertion. / fraudulent enlistment. / desertion from the army [navy]. } / served in and been discharged from { a portion of the regular [reserve or auxili air force. / army [or navy]. } }

(4.) Making a wilfully false statement to a { air force officer / justice } in respect of the prolongation of { lough.

Offences in Relation to Courts-Martial.

Section 28.

(1.) When duly { summoned / ordered to attend } as a witness before a court-martial, making defaul { attending.

(2.) Refusing to { take an oath legally required by a court-martial to be taken. / make a solemn declaration legally required by a court-martial to be made.

(3.) Refusing to produce a document in his { power / control } legally required by a court-martial to be produced by hi

(4.) Refusing when a witness, to answer a question to which a court-martial might legally requir answer.

(5.) Being guilty of contempt of a court-martial by { using { insulting / threatening } language. / causing { an interruption / a disturbance } in the proceedings of such co

Section 29.

(1.) Wilfully giving false evidence when examined on { oath / solemn declaration } before { a court-martial. / a court / an officer } authorised by the Air F Act to administer an o

Offences in Relation to Billeting.

Section 30.

(1.) Being guilty of ill-treatment by { violence / extortion / making disturbances in billets } of the occupier of a house in which a { person / horse } was bill

(2.) { Refusing / Neglecting } { on complaint and proof of the ill-treatment by { violence by / extortion by / making disturbances in billets by } } { an officer / an airman } { under his command the occupier of a h in which { person / horse } a was billeted to c compensation to made for the same.

(3.) Failing to comply with the provisions of the Air Force Act with respect to the { payment of the just demands of a person on whom / making up and transmitting of an account of the money due to a person on whom } { he / his horse / { an officer / an airman } under his command / the horse of { an officer / an airman } { under his command } } had been billi

(4.) Wilfully demanding billets which were not actually required for some { person / horse } entitled to be bill

(5.) { Taking / Knowingly suffering to be taken } { from a person } { money / a reward } for { excusing / relieving } a person from { his liability / a part of his liability } in respect of the { billeting / quartering } of { officers. / airmen. / horses. }

(6a.) { Offering / Using } { menace to / compulsion on } { a constable / a civil officer } to make him give billets contrary to Air Force Act.

(6b.) { Using / Offering } { menace to compulsion on } { a constable / a civil officer } { tending to { deter / discourage } { him from performing part of / tending to induce him to do something contrary to } } his duty u the provis of the Force Act lating billeting

(1) {Using / Offering} {menace to / compulsion on} {a person / tending / to oblige / him} {to receive without his consent, a {person / horse}; not duly billeted upon him in pursuance of; to furnish some accommodation which he is not required to furnish by} the provisions of the Air Force Act relating to billeting.

Offences in Relation to Impressment of Carriages.

Section 31.

(1) Wilfully demanding {carriages / animals / vessels / aircraft / food / forage / stores} which were not actually required for purposes authorised by the Air Force Act.

(2) Failing to comply with the provisions of the Air Force Act, relating to the impressment of carriages, as regards {the payment of sums due for carriages. / the weighing of the load.}

(3) Constraining {a carriage / an animal / a vessel} {furnished in pursuance of the provisions of the Air Force Act relating to the impressment of carriages} {to travel against the will of the person in charge thereof, beyond the proper distance. / to carry against the will of the person in charge thereof, a greater weight than he was required by the said provisions to carry.}

(4) Failing to discharge as speedily as practicable {a carriage / an animal / a vessel / an aircraft} furnished in pursuance of the provisions of the Air Force Act relating to the impressment of carriages.

(5) {Compelling / Permitting the compelling of} {a person in charge of} {a carriage / an animal / a vessel / an aircraft} {furnished in pursuance of the provisions of the Air Force Act relating to the impressment of carriages to take thereon {baggage / stores} not entitled to be carried. / though not furnished on a requisition of emergency a {airman / servant / woman / person} who was not sick.}

(6) {Ill-treating / Permitting the ill-treatment of} a person in charge of {a carriage / an animal / a vessel / an aircraft} furnished in pursuance of the provisions of the Air Force Act relating to the impressment of carriages.

(7) {Using / Offering} {menace to compulsion on} a constable {to make him provide {a carriage / an animal / a vessel / an aircraft / food / forage / stores} which he was not bound in pursuance of the provisions of the Air Force Act relating to the impressment of carriages, to provide. / tending to {deter / discourage} {him from performing a part of} {his duty in relation to the providing of} {carriages. / animals. / vessels. / aircraft.} / tending to induce him to do something contrary or.}

(8) Forcing {a carriage / an animal / a vessel / an aircraft / food / forage / stores} from the owner thereof.

Offences in Relation to Enlistment.

Section 32.

(1) After having been {discharged with disgrace from a part of His Majesty's air [or military] forces / dismissed with disgrace from the navy} enlisting in the regular air force without declaring the circumstances of his {discharge. / dismissal.}

Section 33.

(1, 2.) Making a wilfully false answer to a question set forth in the attestation paper which was put to him, or by direction of the justice before whom he appeared for the purpose of being attested.

Section 34.

(1.) Being concerned in the enlistment for service in the regular air force of a man when he { knew / had reasonable cause to believe } such man to be so circumstanced that by enlisting he committed an offence against the Air Force Act.

(2.) Wilfully contravening { the enactments of the Air Force Act / [*other enactments*] / the regulations of the service } in a matter relating to the { enlistment / attestation } of airmen of the regular air force.

Miscellaneous Military Offences.

Section 35.

(1.) Using { traitorous / disloyal } words regarding the Sovereign.

Section 36.

(1.) Without due authority { verbally / in writing / by signal / [*otherwise*] } disclosing { the numbers of / the position of } { some forces / some magazines of the forces / some stores of the forces } / { some preparations for / some orders relating to } { operations / movements } of some forces } at such time and in such manner as to have produced effects injurious to His Majesty's services.

Section 37.

(1.) { Striking / Ill-treating } airman.

(2.) After receiving the pay of { an officer / an airman } { unlawfully detaining / unlawfully refusing to pay } the same when due.

Section 38.

(1.) { Fighting / Promoting / Being concerned in / Conniving at fighting } a duel.

(2.) Attempting to commit suicide.

Section 39.

(1.) On application being made to him { neglecting / refusing } { to deliver over to the civil magistrate / to assist in the lawful apprehension of } { an officer / an airman } { accused of an offence punishable by a civil court.

Section 39a.

(*a.*) { Wilfully / By wilful neglect / Negligently } { damaging / destroying / losing } { aircraft / aircraft material } belonging to His Majesty.

(*b.*) Being guilty of neglect likely to cause { damage / destruction / loss } { aircraft / aircraft material } belonging to His Majesty.

(*c.*) By neglect causing { damage to / destruction of } public property by fire.

(*d.*) Without lawful authority disposing of { aircraft / aircraft material } belonging to His Majesty.

(*e.*) { Wilfully / By wilful neglect / Negligently } causing danger in flying to the life of an { officer / airman } of the Air Force.

(*f.*) { During a state of war } { Wilfully and without proper occasion / negligently } causing { the sequestration by or under the authority of / the destruction in } a neutral State of aircraft belonging to His Majesty.

Section 40.

(1.) { An act / Conduct / Disorder / Neglect } to the prejudice of good order and air force discipline.

Section 41.

(1-4.) When on active service / In Gibraltar / In some place not in the United Kingdom or Gibraltar and more than one hundred miles as measured in a straight line from any city or town in which he can be tried by a competent civil court for the offence — committing the offence of — treason. / murder. / manslaughter. / treason-felony. / rape.

(5.) Committing a civil offence, that is to say [*state the offence according to English law, either using legal terms, e.g.*, arson, larceny, larceny from the person, assault, robbery, with violence, &c., or, *in ordinary language, e.g.*, stealing, maliciously injuring property, setting fire to a house, &c.]

Section 155.

(1-3.) Negotiating / Acting as agent for / Aiding / Conniving at — the sale / purchase of a commission in His Majesty's regular air force.

(1-3.) Negotiating / Acting as agent for / Aiding / Conniving at — the giving / receiving of any valuable consideration in respect of any promotion in retirement from employment in His Majesty's regular air force.

(1-3.) Negotiating / Acting as agent for / Aiding / Conniving at — any exchange made in manner not authorised by regulations made in pursuance of the Regimental Exchanges Act, 1875, as applied to the air force and in respect of which a sum of money [*consideration*] has been given. / received.

ILLUSTRATION OF CHARGE.

Note.—The following is an illustration of a complete charge-sheet, with statement of offences and particulars, as it would be placed before a general or district court-martial.

CHARGE SHEET.

The accused, No. 153 Private (1st class air-mechanic) John Smith, No. 2 Squadron, 50th Wing, an airman of the regular air force is charged with :—

1st charge s. 5 (7) Air Force Act.

When on active service negligently causing the destruction by the enemy of aircraft belonging to His Majesty,

in that he

At the Aerodrome, Dover, on the 1st January, 1918, failed properly to secure the throttle control of aeroplane No. 74, type B2, of No. 2 squadron, as it was his duty to do, thereby causing a failure of the engine, by reason of which the pilot was forced to descend within the shelled area near Ypres, Belgium, and the said aeroplane was destroyed by enemy gunfire.

2nd charge s. 10 (3) Air Force Act.

Resisting an escort, whose duty it was to have him in charge,

in that he

at Dover on the 2nd January, 1918, while under escort of Private Thomas Jones and Private Robert Robinson, No. 2 Squadron, 50th Wing, resisted the escort by kicking and struggling.

A. B.,
Lieut.-Colonel.
Commanding 50th Wing.

Dover.
5th January, 1918.

To be tried by general [or district] court-martial.

X. Y.,
Commanding No. —— Area [or Group]
(or Staff-Officer who should sign
for Officer Commanding No. —— Area [or Group].)

Maidstone.
12th January, 1918.

App. II.

SECOND APPENDIX.

FORMS AS TO COURTS-MARTIAL.

FORMS FOR ASSEMBLY OF COURTS-MARTIAL.

No. 1.—General or District.

Form of Order for the Assembly of a General or District Court-Martial.

ORDERS BY commanding the

(*Place, date.*)

The detail of officers as mentioned below will assemble at on the day of for the purpose of trying by a court-martial the accused person [persons] named in the margin [and such other person or persons as may be brought before them].*

PRESIDENT.

is appointed president.†

MEMBERS.

WAITING MEMBERS.

JUDGE-ADVOCATE.

has been [*or where the convening officer has the appointment of a judge-advocate,* is hereby] appointed judge-advocate.

The accused will be warned and all witnesses duly required to attend.

The proceedings will be forwarded to

Signed this day of

A.B.

Note.—The president must be named. The members and the waiting members may be mentioned by name, or the number and ranks and the unit to which they belong may alone be named.

**Any opinion of the convening officer with respect to the composition of the Court (see Air Force Act, sections 48 (9) and (10) and Rules of Procedure 20 and 21) should be added here, thus:*

"In the opinion of the convening officer officers of different corps or units are not, having due regard to the public service, available, *or as the case may be.*

or

"In the opinion of the convening officer officers of an equal or superior rank to the accused are not, having due regard to the public service, available.

or

"In the opinion of the convening officer the necessary number of officers of the air force is not available [to form a Court]"

or

"In the opinion of the convening officer the necessary number of officers of the air force could not be made available without serious injury to the interests of the Service."

†*Add here, if the President is under the rank of field officer, and the officer convening the Court is not under that rank,* "In the opinion of the convening officer a field officer is not, having due regard to the public service, available." *In the case of a District Court-Martial, if the President is under the rank of captain, add,* "In the opinion of the convening officer a captain is not, having due regard to the public service, available."

No. 2.—Field General.

[*See Form of Proceedings, p.* .]

No. 3.—Declaration for Suspension of Rules.

Form of Declaration of Exigencies of the Service or the Necessities of Discipline under Rule of Procedure 104.

In my opinion [*exigencies of the Service, namely (*state them*)] render it [*or the necessities of discipline.] impossible] to observe the provisions of rules‡ †[*or* inexpedient.]
in the trial of by court-martial assembled ‡State the rule or rules which cannot be observed. (See Rule 104.)
pursuant to the order of the of
Signed at this day of
A.B.

[Instruction.—*This declaration must be signed by the officer whose opinion is given, and will be annexed to the proceedings.*]

FORM OF PROCEEDINGS OF COURTS-MARTIAL.

Air Force Form A. 9.

Form of Proceedings of a General Court-Martial (including some of the incidents which may occur to vary the ordinary course of procedure), with Instructions for the guidance of the Court.

PROCEEDINGS OF A GENERAL COURT-MARTIAL, held at
in the day of 19 by order of
Commanding
day of 19 dated the
19 .

PRESIDENT.

Rank.	*Name.**	*Unit.*

MEMBERS.

Rank.	*Name.*	*Unit.*

, Judge-Advocate.

Trial of*
o'clock the trial commences.

* *Here insert No., Rank, Name and Unit, and appointment (if any).*

N.B.—The proper Air Force Forms, to be obtained from Convening Officers, will be used in accordance with the instructions.
The same Form will be used for district courts-martial, and will apply as nearly as may be, with the substitution of "district" for "general," and with the omission, where there is no Judge-Advocate, all reference to the Judge-Advocate.

(1.) The order convening the Court is read, and [a copy thereof] is marke
, signed by the president, and attached to the proceedings.

The charge-sheet and the summary [*or* abstract] of evidence are laid befo
the Court.

[Instruction.—*All documents relating to the Court, or the matters before it, whic
are intended to form part of the proceedings (such as an order respecting air fo
exigencies, or a letter answering any question referred to the convening officer)
whatever period of the trial they are received should be read in open Court, marked
as to identify them, signed by the president, and attached to the proceedings.*]

Note.—Before certifying that the Court have satisfied themselves as provided by Rules 22 a
23, the President will, in every case where a Court of Inquiry has been held respecting a matter up
which a charge against the accused is founded, insert an asterisk after the words "Rules of Procedu
22 and 23," and enter in red ink and sign a footnote at the bottom of the first page of the proceedin
to the following effect :—

* "I have compared the names of the officers who served upon the Court of Inquiry respecti
"the matter on which the ——— (first) charge against the accused has been founded, with those
"the officers detailed to serve on this Court-Martial."

"(*Signature of President.*)"

** *Here insert reason.*

The Court satisfy themselves that is not available t
serve owing to**

§ *Here insert Rank, Name and Unit.*

§ waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

† *Here state Rank and Name, and Unit (if any).*

(2.)†
appears as prosecutor, and takes his place.

The above-named, the accused, is brought before the Court.

VARIATION.

‡ *Qualification to be stated.*

‡appears as counsel for the prosecutor.
‡appears to assist [*or* as counsel for] the accused.

The names of the president and members of the Court are read over in th
hearing of the accused, and they severally answer to their names.

Question by the President to the accused.

Do you object to be tried by me as president, or by any of the officers who
names you have heard read over ?

Answer by accused.

No.

[Instruction.—*The questions are to be numbered throughout consecutively in
single series. The letters Q. and A. in the margin may stand for Question and Answ
respectively.*]

VARIATIONS.

CHALLENGING OFFICERS.

Answer.—I object to
Question to Accused.—Do you object to any other person ?
(*This question must be repeated until all the objections are ascertained.*)
Answer.—
[*If the president is objected to, that objection will be dealt with first, otherwise an objecti
to the junior officer will be disposed of first.*]

Objection to the President.

Question to accused.—What is your objection to me as president ?
Answer by accused.—
The accused, in support of his objection to the president, requests permission to g
evidence himself and [or] to call &c., &c. is call
The accused gives evidence himself and [or]
into Court, and is questioned by the accused.
The Court is closed to consider the objection.
Decision.—The Court disallow the objection.
The Court is re-opened, and the above decision is made known to the accused.

or

Decision.—The Court allow the objection.
The Court is re-opened, and the above decision is made known to the accused, and t
Court adjourn,

Objection to Member.

Question to accused.—What is your objection to (*the junior officer objected to*)?

Answer by accused.—

The accused in support of his objection to , requests permission to give evidence himself and [or] to call &c., &c.

The accused gives evidence himself and [or] is called into Court, and is questioned by the accused.

The Court is closed to consider the objection.

Decision.—The Court disallow the objection.

The Court is re-opened, and the above decision is made known to the accused.

or,

Decision.—The Court allow the objection.

The Court is re-opened, and the above decision is made known to the accused.

retires.

Fresh Member.—* takes his place as a member of the Court. * *Insert Rank, Name and Unit.*

(*This only applies where there are waiting members of the Court otherwise the Court mus adjourn.*)

He appears to the Court to be eligible and not disqualified to serve on this Court-martial.

Question to accused.—Do you object to be tried by (*the fresh member*)?

Accused.—

(*If he objects, the objection will be dealt with in the former manner as the former objection.*)

Question to accused.—What is your objection to (*the junior of the officers objected to*)?

(*This objection will be dealt with in the same manner as the former objection.*)

The Court adjourn for the purpose of fresh members being appointed.

or,

The Court is of opinion that, in the interests of justice, and for the good of the service, it is inexpedient to adjourn for the purpose of fresh members being appointed, because [*here state the reasons*].

At o'clock on the Court resumed their proceedings, and an Order appointing another president [*or*, fresh officers] is read, marked and attached to the proceedings.

The Court satisfy themselves with respect to such president [*or* fresh officers] as provided by Rule of Procedure 22.

[Instruction.—*Thr procedure as to challenging a new president and fresh officers, and the procedure, if any objection is allowed, will be the same as above.*]

The president and members of the Court, as constituted after the above proceedings, are as follows:—

PRESIDENT.

Rank.	*Name.*	*Unit.*

MEMBERS.

Rank.	*Name.*	*Unit.*

The President, Members, and Judge-Advocate are duly sworn (also any officer under instruction).

[Instruction.—1. *The witnesses if in Court, other than the prosecutor and the accused, should be ordered out of the Court at this stage of the proceedings.*

2. *Also any interpreter and short-hand writer should be now sworn.*]

Do you object to as interpreter? *Question to accused.*

A.

[Instruction.—*In case of objection the same procedure will be followed as in the case of an objection to a member of the Court.*]

Do you object to as short-hand writer? *Q.*

A.

[Instruction.—*In case of objection the same procedure will be followed as in the case of an objection to a member of the Court.*]

CHARGE-SHEET.

Charge-sheet. (3.) The charge-sheet is signed by the president, marked and annexed to the proceedings.

VARIATION.

If the accused has elected to be tried instead of being dealt with summarily by his comm officer.

The prosecutor informs the Court that the accused has elected to be tried by this instead of being dealt with summarily by his commanding officer.

The accused is arraigned upon each charge in the above-mentioned ch sheet.

Question to accused. Are you guilty or not guilty of the [*first*] charge against you, which you heard read ?

A. ———

[Instruction.—*Where there is more than one charge the foregoing question be asked after each charge is read, the number of the charge being stated.*]

[Instruction.—*If the accused pleads guilty to any charge, the provisio Rule* 35 (B) *must be complied with, and the fact that they have been complied must be recorded. Where there are alternative charges and the accused pleads to the less serious charge the court, if they decide to proceed upon the more se charge, will enter after the plea as recorded :* "*The Court proceed as thoug accused had not pleaded guilty to any charge.*"]

VARIATIONS.

Question to accused. The accused objects to the charge.
What is your objection ?

A. ———

The Court is closed to consider their decision.

Decision. The Court disallow the objection [*or*, the Court allow the objection, and agree to r to the convening officer].
The Court is re-opened, and the above decision is read to the accused.
The Court proceed to the trial [*or* adjourn].

Plea to jurisdiction. The accused pleads to the general jurisdiction of the Court.

Question to accused. What are the grounds of your plea ?

A. ———

Do you wish to give evidence yourself or produce any evidence in support of your

Q. Witness is examined on oath.

A. [Instruction.—*The examination, &c., of the accused, if he wishes to give evidence of the witnesses called by the accused and of any witnesses called by the prosecutor in will proceed as directed below in paragraphs* (6) *and* (7). *The prosecutor will be to reply after all the evidence is given.*]

Witnesses.

Decision. The Court is closed to consider their decision.
The Court allow [*or* overrule] the plea [*or* resolve to refer the point to the conv authority, *or* decide specially that].
The Court is re-opened, and the above decision is read to the accused.
The Court proceed to the trial [*or* adjourn].

VARIATION.

Plea in bar of trial. Accused, besides the plea of guilty [*or*, not guilty], offers a plea in bar of trial.

Question to accused. What are the grounds of your plea ?

A. ———

Q. Do you wish to give evidence yourself or to produce any evidence in support of plea ?

A. ———

Witnesses. Witness examined on oath.
[Instruction.—*The examination, &c., of the accused, if he wishes to give evidence, the witnesses called by the accused, and of any witnesses called by the prosecutor in will proceed as directed below in paragraphs* (6) *and* (7). *The prosecutor will be to reply after all the evidence is given.*]

Decision. The Court is closed to consider their decision.
The Court allow the plea and resolve to adjourn [*or* to proceed to the trial on ano charge] [*or* the Court overrule the plea].
The Court is re-opened, and the above decision is read to the accused.
The Court adjourn [*or* proceed with the trial on another charge] [*or* proceed with trial].

As the accused does not plead intelligibly [*or* refuses to plead to the above charge, *or* does not plead guilty to the above charge] the Court enter a plea of "Not guilty." *Refusal to plead.*

PROCEEDINGS ON PLEA OF GUILTY.

(4.) The accused [*number* , *rank* , *name* , *unit*] is found guilty of the charge [all the charges]

or

is found guilty of the charge, and is found not guilty of the charge.

[Instruction.—*If the trial proceeds upon any charge to which there is a plea of guilty, the Court will not proceed upon the record of the plea of guilty until after finding on those other charges; and in that case the court will be re-opened and the charge on which the record is guilty must be read to the accused again.*

The accused may in accordance with Rule 37 (B) *make any statement he wishes in reference to the charge.*]

The summary of evidence [*or* abstract of evidence] is read, marked , signed by the president, and attached to the proceedings.

[Instruction.—*If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence and to enable the confirming officer to know all the circumstances connected with the case will be taken as in paragraph* 5. *No address will be allowed.*]

VARIATION.

The Court being satisfied from the statement of the accused [or the summary of evidence, *or otherwise*], that the accused did not understand the effect of the plea of "guilty," enters at the foot of page "C" of the proceedings: "The Court consider that the accused does not understand the effect of his plea of 'guilty,'" alters the record, and enters a plea of "not guilty." Evidence as to mitigation of punishment.

[Instruction.—*The Court will then proceed in respect of this charge as in paragraph* 5.]

Do you wish to make any statement in mitigation of punishment? *Question to accused.*

No. *A.*

or

The accused in mitigation of punishment says [*or if the statement is in writing,* hands in a written statement, which is read, marked , signed by the president, and attached to the proceedings].

[Instruction.—*If the statement of the accused is not in writing, and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.*

If the statement is not in writing and not delivered by the accused himself the material portions should be recorded.

In either case any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in mitigation of punishment.]

VARIATION.

The Court give permission to the accused to give evidence himself and [or] to call witnesses to prove his above statement that [*here specify the statement which is to be proved*].

[Instruction.—(1) *The examination, &c., of witnesses called in pursuance of this permission will proceed in the same manner as under paragraph* 6.

(2) *The procedure as to sentence, recommendation to mercy, and confirmation will be as in paragraphs* 12 *and* 14].

Evidence as to character.

Do you wish to give evidence yourself or to call any witnesses as to character. *Question to accused.*

Yes. [No.] *A.*

[Instruction.—(1) *The examination, &c., of witnesses as to character will proceed as in paragraph* (6).

(2) *Evidence as to character and particulars of service will be taken as in paragraph* 12.]

PROCEEDINGS ON PLEA OF NOT GUILTY.

(5.) [*If the prosecutor makes an address.*] The prosecutor makes the follow address, [*or, if the address is written,* hands in a written address, which is marked , signed by the president, and attached to the proceedings.]

[Instruction.—*Where the address of the prosecutor is not in writing, the C should record so much as appears to them material, and so much as the prosec requires to be recorded.*]

First witness for prosecution.

The prosecutor proceeds to call witnesses.

(*) being duly sworn is examined by the prosecutor.

** Here insert his number, rank, name and unit, and appointment (if any), or other description.*

Cross-examined by the Accused.

Re-examined by the Prosecutor.

Examined by the Court.

His evidence is read to the witness.

[Instruction.—*The fact that Rule* 83 (B) *has been complied with should recorded.*

The witness withdraws.

VARIATIONS.

The accused declines to cross-examine this witness.

[Instruction.—*In every case where the accused does not cross-examine a witness for prosecution this statement is to be made, in order that it may appear on the face of proceedings that he has had the opportunity given him of cross-examination.*]

The Court, at the request of the accused, allow the cross-examination of the witn to be postponed.

The accused [*or* the prosecutor] objects to the following question:—

The Court is closed to consider their decision.

The Court overrule [*or* allow] the objection, and the Court is re-opened and the decis announced.

The witness, on his evidence being read to him, makes the following explanation alteration:—

Examined by the prosecutor as to the above explanation *or* alteration.

Examined by the accused as to the above explanation *or* alteration.

The prosecutor and the accused decline to examine him respecting the above explanati *or* alteration.

being duly sworn, is examined by the prosecutor.

Second witness for prosecution.

(*The examination, &c., of this and every other witness proceeds as in the case of the first witness.*)

VARIATION.

The Court think it expedient to continue to sit after six o'clock in the afternoon, on the ground that [*state the grounds*].

Adjournment.

At o'clock the Court adjourn until o'clock on the

Second day.

On the of 19 , at o'clock, the Court re-assemble, pursuant to adjournment, present the same members as on the of .

VARIATIONS.

[Instructions.—(1) *If a member is absent, and his absence will reduce the Court below the legal mimimum, and it appears to the members present that the absent member cannot attend within a reasonable time, the president or senior member present will thereupon report the case to the convening officer.*

(2) *If either the president or the Judge-Advocate is absent, and cannot attend within reasonable time, the Court will adjourn, and the president or senior member present will thereupon report the case to the convening authority.* (*See Rules of Procedure* 66 *and* 102.)]

Absent member.

(*Rank—Name—Regiment*) being absent.

(*The absence is accounted for.*)

A medical certificate [*or* letter, *or as the case may be*] is produced, read, marked , and attached to the proceedings.

The Court adjourn until .

or,

There being present (*not less than the legal minimum*) members, the trial is proceeded with.

An order bearing date , appointing (*the senior member*) president of the Court-martial in the place of is read, marked , signed by the president, and attached to the proceedings.

New President.

The trial is proceeded with.

An order, bearing date , appointing to act as Judge-Advocate in the place of , who , is read, marked , signed by the president, and attached to the proceedings, and the new Judge-Advocate duly sworn.

New Judge-Advocate.

The trial is proceeded with.

[Instructions.—(1) *If the Court, in consequence of the adjournment having been prolonged by the senior officer on the spot, or otherwise, do not meet on the day to which they previously adjourned, or if the adjournment was until further orders, the words "pursuant to adjournment" will be omitted from the above Form, and the cause of their meeting at the above time will be entered in the proceedings.*

(2) *If the place of meeting has been altered by orders, or otherwise, the place of meeting and the reason for meeting at that place will be entered in the proceedings.*]

Examination [cross-examination] of continued.

The prosecution is closed.

DEFENCE.

Question to accused.

Do you apply to give evidence yourself as a witness ?

Q.

Yes. [No.]

A.

Do you intend to call any other witness in your defence ?

Q.

Yes. [No.]

A.

Is he a witness as to character only ?

Q.

VARIATION.

[*If the accused is defended by counsel or by an officer having the rights of counsel, and not apply to give evidence himself.*]
Do you wish to make any statement in addition to the address made by your co
[*or*]?

(6.) [Instruction.—*If the accused does not wish to give evidence himself, calls no witnesses to the facts of the case, and, if defended by counsel or by an of having the rights of the counsel, does not wish to make a statement in addition to address by that counsel or officer, adopt* (6) *and omit* (7) *and* (8).]

The prosecutor addressed the Court upon the evidence for the prosecuti as follows [*or, if the address is written,* hands in a written address, which is re marked , signed by the president, and attached to the proceedings.]

[Instruction.—*Where the address of the prosecutor is not in writing the Co should record so much as appears to them material and so much as the prosecu requires to be recorded.*]

Question to accused.

Have you anything to say in your defence ? (7.)
(*This question will always be asked, whether the accused has given evidence or n*

VARIATION.

The Court, at the request of the accused, adjourn until to en
him to prepare his defence.

The accused in his defence says [*or* hands in a written addre which is marked signed by the president, and attached to t proceedings.]

[Instruction.—*If the address of the accused is not in writing and is deliver by himself, the material portions should be taken down in the first person, and nearly as possible in his own words.*

If the address is not in writing and not delivered by the accused himself, t material portions should be recorded.

In either case any matter which is requested by or on behalf of the accused to recorded, should be recorded and care must be taken, whether a request is made not, to record every point brought forward in the defence or in mitigation punishment.]

First witness as to character.

The accused calls the following witnesses as to character:

** Here insert his number, name, and unit, and appointment (if any), or other description.*

* is duly sworn.

Examined by the Accused.

Cross-examined by the Prosecutor.

Re-examined by the Accused.

Examined by the Court.

His evidence is read to the witness.

[Instruction.—*The fact that Rule* 83 (B) *has been complied with should be recorded.*]

The witness withdraws.

VARIATION.

The prosecutor declines to cross-examine this witness.
The witness, on his evidence being read to him, makes the following explanation *or* alteration.

Examined by the accused as to the above explanation *or* alteration.

Examined by the prosecutor as to the above explanation *or* alteration.

The accused and the prosecutor decline to examine him respecting the above explanation *or* alteration.

(7.) [Instruction.—*If the accused gives evidence himself, but calls no other witnesses to the facts of the case, adopt* (7) *and omit* (6) *and* (8).]

The accused takes his stand at the place from which other witnesses give their evidence.

The accused is duly sworn.

The accused gives his evidence.

Cross-examined by the Prosecutor.

The accused gives any evidence that another witness might give on re-examination.

Examined by the Court.

The evidence of the accused is read to him.

[Instruction.—*The fact that Rule* 83 (B) *has been complied with should be recorded.*]

The accused withdraws from the place from which he has given his evidence.

VARIATION.

The prosecutor declines to cross-examine the accused.
The accused, on his evidence being read to him, makes the following explanation *or* alteration.

Examined by the prosecutor as to the above explanation *or* alteration.

The prosecutor declines to examine him respecting the above explanation *or* alteration.

The prosecutor addresses the Court upon the evidence for the prosecution and the evidence of the accused as follows [*or, if the address is written,* hands a written address which is read, marked , signed by the president and attached to the proceedings.]

[Instruction.—*When the address of the prosecutor is not in writing, the Court should record so much as appears to them material, and so much as the prosecutor requires to be recorded.*]

Have you anything to say in your defence ?

Question to accused.

VARIATION.

The Court, at the request of the accused, adjourn until to enable him to prepare his defence.

The accused in his defence says
hands in a written address, which is read, marked signed by the president and attached to the proceedings.]

[Instruction.—*If the address of the accused is not in writing, and is delivered by himself, the material portions should be taken down in the first person and as nearly as possible in his own words.*

If the address is not in writing and not delivered by the accused himself, the material portions should be recorded.

In either case any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in the defence or in mitigation of punishment.]

First witness as to character.

The accused calls the following witnesses as to character :

* is duly sworn.

** Here insert his number, rank, name, and unit. and appointment (if any), or other description.*

Examined by the Accused.

Cross-examined by the Prosecutor.

Re-examined by the Accused.

Examined by the Court.

His evidence is read to the witness.

[Instruction.—*The fact that Rule* 83 (B) *has been complied with should be recorded.*]

The witness withdraws.

VARIATION.

The prosecutor declines to cross-examine this witness.

The witness, on his evidence being read to him, makes the following explanation *or* alteration.

Examined by the accused as to the above explanation *or* alteration.

Examined by the prosecutor as to the above explanation *or* alteration.

The accused and the prosecutor decline to examine him respecting the above explanation *or* alteration.

(8.) [Instruction.—*If the accused calls other witnesses to the facts of the case, whether he himself gives evidence or not, or if the accused, being defended by counsel or by an officer having the rights of counsel, wishes to make a statement in addition to the address by that counsel or officer, then omit paragraphs* (6) *and* (7), *and adopt this.*]

Have you anything to say in your defence ? *Question to accused.*

VARIATION.

The Court, at the request of the accused, adjourn until to enable him to prepare his defence.

The accused in his defence says [*or if his address is in writing*, hands in a written address, which is read, marked signed by the president, and attached to the proceedings].

[Instructions.—(1) *If the defence of the accused is not in writing and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.*

(2) *If the address is not in writing and is not delivered by the accused himself, the material portions should be recorded.*

(3) *In either case, any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in the defence or in mitigation of punishment.*]

is duly sworn (*a*). * *Here insert his number, rank, name, and unit, and appointment (if any), or other description*

Examined by the Accused.

Cross-examined by the Prosecutor.

Re-examined by the Accused.

Examined by the Court.

His evidence is read to the witness.

[Instruction.—*The fact that Rule* 83 (B) *has been complied with should be recorded.*]

The witness withdraws.

(*a*) For the evidence of the accused, the form in (7) should be followed.

VARIATIONS.

The prosecutor declines to cross-examine this witness.
The witness, on his evidence being read to him, makes the following explanation
alteration.
Examined by the accused as to the above explanation *or* alteration.

Examined by the prosecutor as to the above explanation *or* alteration.

The accused and the prosecutor decline to examine him respecting such explana
or alteration.

[*Where the accused is defended by counsel or an officer having the rights of coun*
The accused makes the following statement in addition to the address by
counsel [*or*].(*a*)

The prosecutor [by leave of the Court] calls witnesses in reply.

The accused makes the following address [*or, if the address is in writing,* h
in a written address, which is read, marked , signed by the presid
and attached to the proceedings];

The prosecutor makes the following reply [*or, if the reply is in writing,* h
in a written reply, which is read, marked , signed by the presid
and attached to the proceedings];

or,

The prosecutor declines to make a reply.

[Instruction.—*Where the reply of the prosecutor is not in writing, the C*
should record so much as appears to them material, and so much as the prosec
requires to be recorded.

If the address of the accused is not in writing and is delivered by himself
material portions should be taken down in the first person, and as nearly as pos
in his own words.

If the address is not in writing and not delivered by the accused himself the ma
portions should be recorded.

In either case, any matter which is requested by or on behalf of the accused
recorded should be recorded, and care must be taken whether a request is made o
to record every point brought forward in the defence or in mitigation of punish

VARIATIONS.

The Court, at the request of the accused, adjourn until
the accused to prepare his address.
The Court, at the request of the prosecutor, adjourn until
the prosecutor to prepare his reply.

SUMMING UP.

(9.) The Judge-Advocate makes the following summing up [*or, if the sum*
up is in writing, hands in a written summing up, which is read, marked
signed by the president, and attached to the proceedings].

VARIATIONS.

The Judge-Advocate and the Court think a summing-up unnecessary.

or,

The Court, at the request of the Judge-Advocate, adjourn until
him to prepare his summing-up.

(*a*) The accused must make his statement at the close of the case for the prosecution and
the address by his counsel; see R.P. 94.

Finding.

Finding.

10.) The Court is closed for the consideration of the finding.

Not guilty.

The Court find that the accused (*No.—Rank—Name—Unit*) is not guilty
charge [and
urably acquit him of the same], but is guilty of the

or,

Guilty.

ilty of the charge [all the charges];

or,

uilty of the charge, and guilty of the charge
the exception of the words [*or* with exception that]

or,

t guilty of desertion, but is guilty of absence without leave;

Instruction.—*Any special finding allowed by Section 56 of the Air Force Act be expressed in this form.*]

or,

Special findings.

hat the accused did [*Here set out such particulars in any charge as the Court to be proved*], but the Court doubt whether such facts constitute in law the
ce stated in the charge, or in the charge, or in the
charge, and therefore they find him guilty of the offence in such one
ose charges as the facts in law constitute;

or,

rn for the purpose of consulting the convening [*or, as the case may be,* con-
ing] officer;
n re-assembly on the day of , and on reading the
on of , which is marked and annexed to the pro-
ngs, find that the accused, &c.

Proceedings on Acquittal of all the Charges.

Acquittal.

11.) The Court find that the accused (*No.—Rank—Name—Unit*) is not
y of the charge [*or* all the charges];

or,

t guilty of the charge [*or* all the charges] and honourably acquit him of the
e.

he findings are read in open Court, and the accused is released.

igned at , this day of 19 .

Judge-Advocate.) (President.)

Variation.

The Court find that the accused [*No.—Rank—Name—Unit*] is, by reason of insanity, unfit to make his trial;

Insanity.

or,

is guilty of the charge *or* charges, but was insane at the
e of the commission of the offences specified in those charges.
igned at , this day of .

(*Signature*)

Confirmed, (Judge-Advocate.) (President.)

At
this day of .

(*Signature of Confirming Authority.*)

PROCEEDINGS ON CONVICTION.

Before Sentence.

Evidence of character, &c.

(12.) *The Court being re-opened the accused is again brought before it. (*Number—Rank—Name—Unit*) is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused ?

Answer by the witness.

I produce this statement.

The witness hands in the statement, which should be in the following form:—

A.F.F. B 296.

STATEMENT as to CHARACTER and PARTICULARS of SERVICE of ACCUSED.

Number—Rank—Name—Unit , [*or as case may be*].

(1) The following is a fair and true summary of the entries in the service and squadron or park conduct sheets of the accused, exclusive of convictions by court-martial or a civil court, and of cases in which trial has been dispensed with:—

	Within last 12 months.	Since Enlistment.
For ,		times
For ,		times

Number of instances of gallantry or distinguished conduct.

or,

There are no entries in the conduct sheets of the accused.

[Instruction.—*If the charge is for drunkenness, the entries for drunkenness must be stated separately.*]

(2) The accused has not been previously convicted,

or,

The previous convictions of the accused by a court-martial or a civil court and dispensations with trial under A.F.A. 73, are set out in the Schedule annexed to this statement.

(3) The accused is not under sentence at the present time.

or,

The accused at the present time is under sentence for beginning on the day of .

(4) The accused has been in confinement, awaiting trial on the present charges, for days in civil custody, and days in air force custody, making a total of days in custody, of which days were spent in hospital.

(5) The present age of the accused according to his attestation paper is

(6) The date of his attestation specified in his attestation paper is

(7) The service which the accused is allowed to reckon towards discharge or transfer to the reserve is .

(8) The accused is entitled to deferred pay or gratuity in respect of service.

(9) The accused is entitled to reckon service for purpose of determining his pension, &c.

[Instruction.—*If the Court is a general or district court-martial there should be added to the above the following*] :—

(10) The accused is in possession of or entitled to no air force decoration or air force reward which the Court can forfeit [*or* is in possession of *or* entitled to *(state any air force decoration or reward which the Court can forfeit)*].

(11) (*If the accused is a warrant officer not holding an honorary commission.*) The accused before he was made a warrant officer last held the service of .

* In cases where a plea of "guilty" is proceeded with after the finding on a plea of "not guilty," this sentence will be struck out.

(12) (*In the case of an officer or a warrant officer holding an honorary commission.*) The accused holds in the air force the [honorary] rank of , ed , and in his unit [*or* corps *or* department] the rank of ed .

(13) The accused has served as a non-commissioned officer continuously, hout reduction, to the present date :—

		Date of promotion.
In the rank of	,	years.
In the rank of	,	years.
In the rank of	,	years.

[Instruction.—*If any matter in any of the above paragraphs cannot be stated n the service books the paragraph must be struck through.*]

SCHEDULE.

Of convictions by a court-martial or civil court and of cases in which trial been dispensed with of accused, *No.* , *Rank* , *Name* , *of* unit [*or as the case may be*].

[Instruction.—*A verbatim extract from the service book stating these convictions dispensations with trial must be inserted.*]

I hereby certify that the foregoing schedule of convictions and dispensations h trial is a true extract from the service books in my custody.

Signed this day of

A.B.

The above statement [with the schedule of convictions and of cases in which l has been dispensed with] is read, marked , signed by the sident and annexed to the proceedings.

Is the accused the person named in the statement which you have heard d ? *Question by the President.*

Answer by the witness.

Have you compared the contents of the above statement with the service oks ? Q.

A.

Are they true extracts from the service books, and is the statement of entries the conduct sheets a fair and true summary of those entries ? Q.

A

Cross-examined by the Accused.

Re-examined

or,

e accused declines to cross-examine this witness.

His evidence is read to the witness as directed by R.P. 83 (B).

[Instruction.—*Any further question will be put and any evidence produced ich the Court require as to any point respecting the character and service of the used on which the Court desire to have information for the purpose of their sentence.*] *At the request of the accused, or by the direction of the Court, the service books, a certified copy of the material entries therein, must be produced for the purpose comparison with the statement.*

The accused is entitled to call the attention of the Court to any entries in the serv books, or in the certified copy above mentioned, and to show that they are inconsist with the statement.

When all the evidence on the above matters has been given, the accused may addr the court thereon.

If by reason of the nature of the service of the accused in a departmental cor or otherwise, the finding of the Court renders him liable to any exceptional punishm in addition to that to be awarded by the Court (for instance, forfeiture or reduct of corps pay), the prosecutor must call the attention of the Court to the fact, and Court must enquire into the nature and amount of that additional punishment.

NOTE.—Where an offence is unusually prevalent in a district or garrison, attention should be dr to the fact periodically in local orders, and not by special directions to courts-martial.

Question to the accused. Do you wish to address the Court ?

Answer.

The court is closed for the consideration of the sentence.

SENTENCE.

[Instruction.—*The provisions of Sections* 44, 182, *and* 183 *of the Air Force must be carefully attended to by the Court in passing sentence.*]

Sentence. The Court sentence the accused (*No.—Rank—Name—Unit.*)

[Instruction.—*The sentence is to be marginally noted in every case.*]

Death. In the case of an officer :—

Penal servitude years. (*a*) to suffer death by being shot [hanged].

(*b*) to suffer penal servitude for the term of years [*or* for life].

Imprisonment H.L. (or without H.L.) for (*c*) to be imprisoned with hard labour [without hard labour] for

[Instruction.—(1) *As to the term of imprisonment see below in the case of airman.*

(2) *A sentence of cashiering should precede a sentence of imprisonment or p servitude.*]

(*d*) to be cashiered.

Cashiered. (*e*) to be dismissed from His Majesty's service.

Dismissed. (*f*) [*Where the officer's air force rank is superior to his rank in his unit.*]

Forfeiture of seniority of rank. to take rank and precedence as in his [corps or] unit as if appointment to that [corps or] unit bore date the of , and to take rank and precedence in the Air Force if his appointment as bore the date day of

[*Or, where the ranks of the officer are the same in the Air Force and in* [*corps or*] *unit*

to take rank and precedence in his [corps or] unit and in the Air F as if his appointment as bore the date day of

[*Or, where the officer has no rank in his* [*corps or*] *unit.*]

to take rank and precedence in the Air Force as if his appointment as in the Air Force bore date the day of

[Instruction.—*In each case the form may be varied so that the Court may ex the power under the Air Force Act, s.* 44 (*f*), *and Rule of Procedure* 47 *of sente to forfeiture of seniority either in the corps* [*or unit*] *or in the Air Force, or in bo*

Reprimand or severe reprimand. (*g*) to be reprimanded [*or* severely reprimanded].

(*h*) to forfeit the [*state the medal, clasp, and decoration, or of them, which is to be forfeited*] with any annuity or gratuity attac thereto.

Stoppages. (*i*) to be put under stoppages of pay until he has made good the su in respect of *or* [and] until he has made g the value of the following articles, viz., 1 value 1 value , &c.

In the case of an airman :—

(*j*) to suffer death by being shot [hanged]. *Death.*

(*k*) to suffer penal servitude for the term of years [*or* for life]. *Penal servitude years Impt. H.L. (or without H.L.)*

(*l*) to be imprisoned with hard labour [without hard labour] for . *for .*

(*m*) to undergo detention for . *Detention for .*

(*n*) to suffer field punishment, that is to say, field punishment No. 1, for . *Field punishment No. 1 for .*

(*o*) to suffer field punishment, that is to say, field punishment No. 2, for . *Field punishment No. 2 for .*

(*oo*) to forfeit all ordinary pay for a period of *Forfeiture of pay for*

[Instruction.—(1) *If a person charged is at the time of sentence undergoing imprisonment or detention under a former sentence, a new sentence of imprisonment or detention must not exceed such a term as will make up a period of two years from the date of the former sentence.*

(2) *In the case of a non-commissioned officer, a sentence of reduction to the ranks should precede a sentence of penal servitude, imprisonment, detention, or field punishment, although those sentences necessarily involve a reduction to the ranks. Where, for any reason, a court consider that a sentence of reduction to a lower rank in the case of a N.C.O. would be too severe a sentence, they can sentence the offender to forfeiture of seniority of rank.*]

(*p*) to be discharged with ignominy from His Majesty's service. *Discharged with ignominy*

(*q*) [*if belonging to the auxiliary air force*] to be dismissed from His Majesty's service. *Dismissed.*

(*r*) [*if a non-commissioned officer*].

(1) to take rank and precedence as if his appointment to the rank of bore date ; *or* *Forfeiture of seniority, and reduction.*

(2) to be reduced to the rank of ; *or*

(3) to be reduced to the rank of ; *or*

(4) to be reduced to the rank of ; *or* to be reduced to the rank of ; *or*

(5) to be reduced to [*a lower grade*] *or* to be reduced to the ranks.

(*s*) to be fined *Fined £. s. d*

(*t*) to be put under stoppages of pay until he has made good the sum of in respect of *or* [and] until he has made good the value of the following articles, viz., 1 value , 1 value , &c. *Stoppayes.*

(*u*) to forfeit all ordinary pay for a period of .

(*w*) to forfeit [*state number or* all] good-conduct badge [*or* badges] with the pay attached thereto. *Forfeiture of pay.*

to forfeit deferred pay in respect of [all *or* calendar months *or* years] previous service.

to forfeit [all *or* years, *or* calendar months] past service for the purpose of determining pension.

to forfeit the [*state medal, clasp, and decoration, or any of them, which is to be forfeited*]

[Instruction.—(1) *An offender may be sentenced to all or any of the above forfeitures.*

(2) *In the case of a warrant officer, a district court-martial must use one of the following forms ; a general court-martial may use them in lieu of, or in addition to, the foregoing forms, see s.* 182 (2).]

(*x*) to be dismissed from the service,

or,

(*y*) To be reduced in the list of his rank as if his appointment thereto bore date the day of

or,

To be reduced to an inferior class of warrant officer; that is to say

or,

(*z*) To be reduced to [*a lower grade*];

or,

(*zz*) [*If he was originally enlisted as an airman, but not otherwise*] To be reduced to the ranks.

RECOMMENDATION TO MERCY.

The Court recommend the accused to mercy on the ground that

The Court recommend that of the service forfeited under section 79 of the Air Force Act shall be restored on the ground that

SIGNATURE.

Signed at , this day of 19 .

(*Signature*)
Judge-Advocate.

(*Signature*)
Presid

REVISION.

Revision. (13.) At , on the day of at o'clock, the Court re-assemble by order of for the purpose of re-considering their

Present, the same members as on the

VARIATION.

[Instructions.—*If a member is absent and the absence will reduce the Court below the required minimum, or if he is the president, and it appears to the members present that such absent member cannot attend within a reasonable time, the president, or, in his absence, the senior member present shall thereupon report the case to the convening officer.*]

Absent member. [*Rank, name* [*corps or*] *unit*] being absent.

[*The absence is accounted for.*]

A medical certificate [*or* letter, *or as the case may be*] is produced, read, marked and attached to the proceedings.

There being present [*not less than the required minimum*] members the Court proceeds.

Revised finding. The letter [order *or* memorandum] directing the re-assembly of the Court for the revision giving the reasons of the confirming authority for requiring a revision of the finding [finding sentence] [*or* sentence] is read, marked , signed by the president, and attached to the proceedings.

Sentence. The Court, having attentively considered the observations of the confirming authority the whole of the proceedings:

(*a*) do now revoke their finding and sentence, and find and sentence the accused

or,

(*b*) do now revoke their sentence, and now sentence the accused, &c., &c.,

or,

(*c*) do now respectfully adhere to their sentence [*or* finding and sentence].

Signed at , this day of 19 .

(Judge-Advocate.) (President.)

CONFIRMATION.

Confirmation. (14.) Confirmed,

or,

I vary the sentence so that it shall be as follows and confirm the finding and the sentence as so varied,

or,

I confirm the finding and sentence of the Court, but mitigate [remit commute].

or,

[*Where it is necessary to confirm the special finding on several alternative charges*]

I confirm the finding on and charges, and I confirm the special finding relating to the and charges, and declare that that finding amounts

ding of guilty on the charge, and of not guilty on the and charges.
I confirm the sentence but mitigate [remit, or commute];

or,

[*Where the confirming officer desires partly to reserve his confirmation,*]
I confirm the finding of the Court on the and charges and reserve for confirmation by superior authority finding on the and charges, and the ntence;

or,

I confirm the findings of the Court, but reserve the sentence for confirmation superior authority;

or,

I confirm the findings of the Court and the sentence of the Court as to , and reserve the sentence so far as it confirmation by superior authority;

[*Where the finding is not confirmed,*]
Not confirmed [*the reasons for non-confirmation may be stated*].
Signed at , this day of 19 .

(*Signature of Confirming Authority.*)

[Instruction.—*Any remarks of the confirming authority should be separate om and form no part of the proceedings. The confirming authority will in no case mment upon a finding of "not guilty," or upon the inadequacy of the sentence.*]
[*Where the declaration respecting a special finding on alternative charges is added bsequently to the confirmation* (*Rule* 55),]
I declare that the special finding relating to the and charges amounts to a finding of guilty on the arge, and of not guilty on the and arges.
Signed at , this day of 19 .

(*Signature of Authority.*)

PROMULGATION.

Promulgated and extracts taken at , this day 19 .

(*Signature of officer in charge of documents.*)

FORM OF SUMMONS.

Form of Summons to a Civil Witness. Form A 13.

To

Whereas a court-martial has been ordered to assemble at on the day of 19 , for the l of , of the [corps or] unit, I do hereby mmon and require you *A. B.* to attend, a witness, the sitting of the said Court at on the y of at o'clock in the forenoon [and to ing with you the documents hereinafter mentioned, namely,], d so to attend from day to day until you shall be duly discharged, whereof u shall fail at your peril.
Given under my hand on the day of

(Signature)

Convening Officer [*or* Judge-Advocate *or* President of the Court *or* Commanding Officer of the Accused].

FORM FOR ASSEMBLY AND PROCEEDINGS OF FIELD GENE COURT-MARTIAL (*a*).

PROCEEDINGS.

* State the place and country.

*At this day of 19 .

Beginning of Form where Air Force are not on Active Service.

A. Order convening the court.

Whereas complaint has been made to me, the undersigned, an offic command of , in the above-named country, tha persons named in the annexed schedule, being subject to the Air Force Act under my command, have committed the offences in the said schedule menti being offences against the property or person of inhabitants of or reside the above-mentioned country.

Beginning of Form where Air Force are on Active Service.

Whereas it appears to me, the undersigned, an officer in command of on active service, that the persons named in the annexed sch and being subject to the Air Force Act, have committed the offences in th schedule mentioned.

End of Form applicable to all cases.

And I am of opinion that it is not practicable that such offences shou tried by an ordinary general court-martial;

† Omit except where convening officer is not a commanding officer and is below rank of field officer

[† and that it is not practicable to delay the trial for reference to a su qualified officer].

I hereby convene a field general court-martial to try the said persons to consist of

PRESIDENT.

Rank.	*Name.*	*Unit.*

MEMBERS.

Rank.	*Name.*	*Unit.*

‡ Omit except where the court-martial consists of two officers only.

[‡ I am of opinion that three officers are not available, having due reg the public service.]

(Signed)

B. Certificate of president as to proceedings.

I certify that the above Court assembled on the of and duly tried the persons named in the said sch and that the plea, finding, and sentence in the case of each such person w stated in the third and fourth columns of that schedule.

Signed this day of , 19 .

C— D—

President of the Court-mart

C. Confirmation.

I have dealt with the findings and sentences in the manner stated in th column of the above schedule, and, subject to what I have there stated, I h confirm the above findings and sentences; [* and I am of opinion that it practicable, having due regard to the public service, to delay the cas confirmation by any superior qualified authority].

* Omit except where under rules it is ordinarily the duty of the confirming officer to reserve the case

Signed this day of 19 .

E— F—

Field [*or* General] Officer in the force or commanding].

(*a*) See Rules 105-123.

I have dealt with the reserved findings and sentences in the manner stated in the last column of the schedule, and, subject to what I have there stated, I hereby confirm the said reserved findings and sentences.

Signed this day of 19 .

G—— *H*——

General [Field] Officer in the force.

D. Confirmation of reserved sentences.

Subject to what I have stated in the last column of the schedule, I hereby confirm the [finding and] sentence of death in the case of

and of penal servitude in the case of

† and in the case of the above sentences of death I am of opinion that by reason of ‡ it is not practicable, having due regard to the public service, to delay the case for confirmation by any qualified officer superior to myself].

Signed this day of , 19 .

J—— *K*——

General [Field] Officer in chief command of the forces.

E. Confirmation of sentence of death or penal servitude.

† Omit where confirmed by officer in chief command.

‡ State according to the circumstance the nature of the country, *or* the great distance, *or* the operations of the enemy.

SCHEDULE.

Date 19 . No.

Name of alleged Offender.*	Offence charged.	Plea.	Finding, and if convicted, sentence.†	How dealt with by confirming officer.
Peter Smith (sutler)	Offence against person of inhabitant of country	Guilty	Guilty. Field punishment No. 1 for .	Confirmed. I remit . *E*——*F*——
262, Private James Robinson——[unit]	Breaking into house in search of plunder	Not guilty	Guilty. Imprisonment for	Not confirmed. *E*——*F*——
564 Private Thomas Jones —— [unit]	Drunk on post	Not guilty	Guilty. Death. Recommended to mercy	Reserved [*or* Confirmed], but commuted to field punishment No. 1 for . *E*——*F*—— *or* Confirmed, but commuted to years' penal servitude. *J*——*K*——
Person accompanying force (name unknown), white jacket and trousers scar on right cheek	Impeding provost-marshal	Not guilty	Not guilty	
Airman in uniform of —— [unit] (name unknown)	Offence against property of inhabitant of country	Not guilty	Guilty. Field punishment No. 2 for , and to forfeit all ordinary pay for a period of	Reserved. *E*——*F*—— Confirmed. *G*——*H*——
P——*Q*—— Convening Officer.		*C*——*D*—— President.		

* If the name of the person charged is unknown, he may be described as unknown, with such addition as will identify him.

† Recommendation to mercy to be inserted in this column.

THIRD APPENDIX.

FORMS OF COMMITMENT.

FORM A.

Form C. 383.

Form of Order for commitment to Prison of Air Force Convict sentenced in the United Kingdom to Penal Servitude.

Whereas [*Name—No.—Rank*], of the [unit], was general court-martial, held at , convicted of the offence of (*a*), and, by a sentence signed on the day of 19 , sentenced (*b*) to suffer penal servitude, for years, commencing on the aforesaid day, and such sentence has been confirmed by , as required by law.*

* Add, if necessary, "with a remission of years."

Now, therefore, I, the undersigned, the do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order that the said convict shall be, as soon as practicable, transferred to a prison in which a prisoner sentenced to penal servitude by a civil court in the United Kingdom can for the time being be confined either permanently or temporarily, there to undergo his sentence according to law.

And I do hereby in pursuance of the above-mentioned Acts and powers order the governor or chief officer of any such prison to whom the convict is brought to receive him into his custody and detain him accordingly, and for so doing this shall be sufficient warrant.

Signed this day of 19 .

C.D.

FORM B.

Form C 384.

Form of Order for commitment to prison of Air Force Convict sentenced in India or a Colony, or a Foreign Country, to Penal Servitude.

Whereas [*Name—No.—Rank*], of the [unit], was by general court-martial held at , convicted of the offence of (*a*), and by a sentence signed on the of 19 , sentenced (*b*) to suffer penal servitude for years, commencing on the aforesaid day, and such sentence has been confirmed by , as required by law.*

* Add, if necessary, "with a remission of years."

Now, therefore, I, the undersigned, the do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling

(*a*) If there are several offences, state all of them. An offence should be stated in the words of the charge on which the convict was convicted, but if modified by the finding, as so modified; omitting the statement of particulars giving the details of time, place, and circumstances.

(*b*) Where the sentence was death, but has been commuted to penal servitude, *substitute* "to suffer death, and such sentence was confirmed by , as required by law, and has been commuted to years' penal servitude commencing on the aforesaid day."

in this behalf, order that the said convict shall be, as soon as practicable, transferred to a prison in the United Kingdom in which a prisoner sentenced to penal servitude by a civil court in the United Kingdom can for the time being be confined, either permanently or temporarily, there to undergo his sentence according to law.

And I do hereby, in pursuance of the above-mentioned Acts and powers, order the governor or chief officer of any such prison as aforesaid to whom the convict is brought to receive him into his custody and detain him accordingly, and for so doing this shall be sufficient warrant.

And for the above purpose, I, the undersigned, do hereby further, in pursuance of the above-mentioned Acts and powers, order that the said convict be removed in air force custody by [*here state route*], or such other route as may be directed by proper authority, to the port at or such other port as may be directed by proper authority, thence to be removed by [*here state route*] to such prison as aforesaid in the United Kingdom.

And I do hereby, in pursuance of the above-mentioned Acts and powers, order the officer or non-commissioned officer in charge of any detention barrack, and also the governor or chief officer of any prison, air force, military or civil, to whom the convict is brought, to receive the said convict, and detain him so long as appears reasonably necessary with the view to his said removal, and to deliver him when required for the purpose of such removal, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

C.D.

In case an Alteration of the Route above mentioned becomes necessary. (*a*)

Whereas for the purpose of better carrying into effect the above order for the removal of the above-mentioned convict to the United Kingdom, it is necessary to alter the route above-mentioned, I, the undersigned, the , do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order that the said convict be removed in Air Force custody by [*here state the route so far as varied*] to , thence to be removed as directed by the said order.

Signed at this day of 19 .

E.F.

In case of need the following Order may be made.

For the purpose of carrying into effect the above order, I, the undersigned, being the , do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order the governor or chief officer of prison or detention barrack at , to receive the above-named convict, and to detain him until he can be removed to , and to deliver him when required for the purpose of such removal, and for so doing this shall be sufficient warrant

Signed at this day of 19 .

G.H.

(*a*) This order can be repeated by any removing authority as often as necessary.

FORM C.

Form C. 385.

Form of Order for commitment to Prison, Air Force or Civil (or to a detenti barrack), of persons subject to air force law sentenced either in or out of t United Kingdom to Imprisonment.

To the governor or chief officer in charge of (*a*) pris (or detention barrack) at

Whereas [*Name—No.—Rank*], of the [unit], was l a (*b*) court-martial held at , convicted of t offence of (*c*) , and by a sentence signed on the day 19 , sentenced (*d*) to be imprisoned with *har labour for , commencing on the aforesaid day, and such senten has been confirmed by , as required by law (*e*).

* If the sentence does not specify hard labour *alter* "with" into "without."

Now, therefore, I, the undersigned, the do hereby, in pursuance of the Air Force Act, and of all other Acts and powe enabling me in this behalf, order you to receive the said person into your custo and detain him to undergo his said sentence according to law, and for so do this shall be your warrant.

Signed at this day of 19 .

G.H.

FORM D.

Form C 385A.

Form of Order for commitment to a detention barrack of persons subject to the A Force Act as Airmen, sentenced either in or out of the United Kingdom Detention.

To the commandant or chief officer in charge of the detention barrack at

Whereas [*Name—No.—Rank*], of the [unit], was, by (*f*) court-martial held at , convict of the offence of (*c*) , and, by a sentence signed on t day of 19 , sentenced (*g*) to detention for commencing on the aforesaid day, and such sentence has be confirmed by as required by law (*h*).

(*a*) *Insert* "His Majesty's," *or* as required according to title of prison.

(*b*) *Insert* "general" *or* "district" as required.

(*c*) If there are several offences, state all of them. An offence should be stated in the words of t charge on which the soldier was convicted, but if modified by the finding, as so modified; omitti the statement of particulars containing the details of time, place, and circumstances.

(*d*) *Substitute*, where the original sentence was death or penal servitude which has been commut to imprisonment, "to suffer death, and such sentence has been confirmed by as required by law, but has been commuted into imprisonment for , with years' penal servitu * hard labour, commencing on the aforesaid day," *or* "to suffer as required by law, and has be and such sentence has been confirmed by * hard labour, commenci commuted into imprisonment for , with on the aforesaid day."

* If the commutation does not specify hard labour *alter* "with" into "without."

(*e*) *Add*, if necessary, "with a remission of ," *or* "but has been mitigat by the omission of the hard labour," *or as the case may be.*

(*f*) *Insert* "general," *or* "district," as required.

(*g*) *Substitute*, where the original sentence was death, penal servitude, or imprisonment, wh has been commuted to detention, "to suffer death, and such sentence has been confirmed as required by law, but has been commuted into detention for years' penal servitude, and su commencing on the aforesaid day," or "to suffer , as required by law, and has been commuted in sentence has been confirmed by commencing on the aforesaid day," or "to be imprisoned wi detention for commencing on the aforesaid day, and such senten (or without) hard labour for commencing on the aforesaid day." has been commuted into detention for "

(*h*) *Add*, if necessary, "with a remission of

Now, therefore, I, the undersigned, being the
do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order you to receive the said airman into your custody and detain him to undergo his said sentence according to law, and for so doing this shall be your warrant.

Signed at this day of 19 .

G. H.

FORM E.

Form of Order respecting Imprisonment under Sentence passed out of the United Kingdom and to be undergone in the United Kingdom. Form C 386

Whereas [*Name—No.—Rank*], of the [unit], was by a (*b*) court-martial held at convicted of the offence of (*c*), and by a sentence signed on the day of 19 , sentenced (*d*) to be imprisoned with *hard labour for , commencing on the aforesaid day, and such sentence has been confirmed by , as required by law (*e*).

*If the sentence does not specify hard labour, *alter* "with" into "without."

Now, therefore, I, the undersigned, the being the committing and removing authority, do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order that the said airman shall be transferred and removed to prison (*or* detention barrack) at in the United Kingdom, or such other public prison or detention barrack in the United Kingdom as any other competent authority may appoint in this behalf, there to undergo his sentence according to law.

And I do hereby, in pursuance of the said Acts and powers, order the governor or chief officer of any such prison or detention barrack as aforesaid to whom the above airman is brought, to receive the airman into his custody and detain him accordingly, and for so doing this shall be sufficient warrant.

And I do hereby, in pursuance of the said Acts and powers, further order that the said airman shall be conveyed in air force custody and detained in air force custody or in a prison, air-force or civil, or a detention barrack, so far as appears necessary or proper for effecting his removal to the said prison or detention barrack in the United Kingdom.

Signed at this day of 19 .

H. I.

(*b*) *Insert* "general" *or* "district," as required.

(*c*) If there are several offences, state all of them. An offence should be stated in the words of the charge on which the airman was convicted, but if modified by the finding, as so modified; omitting the statement of particulars containing the details of time, place, and circumstances.

(*d*) *Substitute*, where the original sentence was death or penal servitude which has been commuted to imprisonment, "to suffer death, and such sentence has been confirmed by as required by law, but has been commuted into imprisonment for , with * hard labour, commencing on the aforesaid day," *or* "to suffer years' penal servitude, and such sentence has been confirmed by as required by law, and has been commuted into imprisonment for , with * hard labour, commencing on the aforesaid day."

*If the commutation does not specify hard labour, *alter* "with" into "without."

(*e*) *Add*, if necessary, "with a remission of ," *or* "but has been mitigated by the omission of the hard labour." *or as the case may be.*]

In case of a Committal to any intermediate Prison or Detention Barrack be necessary (a).

For the purpose of carrying into effect the above Order, I, the undersigne the do hereby, pursuance of the Air Force Act, and of all other Acts and powers enabling me this behalf, order the governor or chief officer of the prison or detention barrack at , to receive the said airm and detain him until he can be removed, in pursuance of the above order, a to deliver him when required for the purpose of such removal, and for so doi this shall be sufficient warrant.

Signed at this day of 19 .

I.K.

Order on arrival in United Kingdom of Airman sentenced to Imprisonment.

I, the undersigned, the being the committing and remov authority, do hereby, in pursuance of the Air Force Act, and of all other A and powers enabling me in this behalf, order him to be transferred and remov to the prison or detention barrack at to undergo his sentence according to law.

And I do hereby order the governor or chief officer of that prison or detenti barrack to receive him, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

K.L.

FORM F.

Form C 386A.

Form of Order respecting detention under Sentence passed out of the United Kingd and to be undergone in the United Kingdom.

Whereas [*Name—No.—Rank*], of the [unit] was convicte a (*b*) court-martial held at of the offence of (*c*) and by a sentence signed on t day of 19 , sentenced (*d*) to detention for commencing on the aforesaid day, and such sentence has been confirmed as required law (*e*).

(*a*) This order may be repeated as often as necessary by any authority having power to make

(*b*) *Insert* "general," *or* "district," as required.

(*c*) If there are several offences state all of them. An offence should be stated in the words the charge on which the airman was convicted, but if modified by the finding, as so modified; omitti the statement of particulars containing the details of time, place, and circumstances.

(*d*) *Substitute*, where the original sentence was death, penal servitude, or imprisonment which h been commuted to detention, "to suffer death, and such sentence has been confirmed by as required by law, but has been commuted into detention for commencing on the aforesaid day," *or* "to suffer years' penal servitude, and s sentence has been confirmed by as required by law, and has been commu into detention, for , commencing on the aforesaid day," *or* "to be imprison with (or without) hard labour for commencing on the aforesaid day, and s sentence has been confirmed by as required by law, and has been commu into detention for commencing on the aforesaid day."

(*e*) *Add*, if necessary, "with a remission of ."

If the detention was awarded by the commanding officer, the form from "Whereas" down "required by law," will be replaced by the corresponding provision in Form "G."

Now, therefore, I, the undersigned, the

being the committing and removing authority, do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order that the said airman shall be transferred and removed to detention barrack at in the United Kingdom or such other detention barrack in the United Kingdom as any other competent authority may appoint in this behalf, there to undergo his sentence according to law.

And I do hereby, in pursuance of the said Acts and powers, order the commandant or chief officer of any such detention barrack as aforesaid to whom the above airman is brought to receive the airman into his custody and detain him accordingly, and for so doing this shall be sufficient warrant.

And I do hereby, in pursuance of the said Acts and powers further order that the said airman shall be conveyed in air-force custody and detained in air-force custody or in a detention barrack so far as appears necessary or proper for effecting his removal to the said detention barrack in the United Kingdom.

Signed at this day of 19 .

E.F.

In case of a Committal to any intermediate Detention Barrack being necessary (a).

For the purpose of carrying into effect the above Order, I, the undersigned, the do hereby, in pursuance of the Air Force Act and of all other Acts and powers enabling me in this behalf, order the commandant or chief officer of the detention barrack at , to receive the said airman, and detain him until he can be removed, in pursuance of the above Order, and to deliver him when required for the purpose of such removal, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

D.E.

Order on Arrival of Airman in United Kingdom.

I, the undersigned, the being the committing and removing authority, do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order the said airman to be transferred and removed to the detention barrack at to undergo his sentence according to law.

And I do hereby order the commandant or chief officer of that detention barrack to receive him, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

D.E.

(a) This order may be repeated as often as necessary by any authority having power to make it.

FORM G.

Form C 388.

Form of Commitment to Detention Barrack on award of Detention by Commandi Officer.

To the commandant or officer or non-commissioned officer in charge of t detention barrack at

Whereas [*Name—No.—Rank*], of the [unit], was on t day of 19 , awarded by his commanding offic detention for for the offence of

Now, therefore, I, the undersigned, being the commanding officer of the sa airman, do hereby in pursuance of the Air Force Act, and of all other Acts an powers enabling me in this behalf, order you to receive him into your custod to undergo his sentence according to law, and for so doing this shall be yo warrant.

Signed at this day of 19 .

D.E.

FORM H.

Form C 389.

Order for Discharge of Persons subject to Air Force Law undergoing Imprisonme

To the governor, commandant, or chief officer of prison detention barrack at

Whereas [*Name—No.—Rank*], of the [unit], is now your custody under a sentence of imprisonment by court-martial.

I, the undersigned, being do hereby order y to discharge the said airman.

Signed at this day of 19 .

E.F.

FORM I.

Form C 389A.

Order for Discharge of Persons subject to Air Force Law as Airmen undergoi Detention.

To the commandant or chief officer of the detention barrack at

Whereas [*Name—No.—Rank*], of the [unit], is no in your custody under a sentence of detention by court-martial.

I, the undersigned, being do hereby order you to dischar the said airman.

Signed at this day of 19 .

E.F.

FORM J.

Form of Discharging Order in case of Detention under the Award of Commanding Officer. Form C 390.

To the commandant or officer or non-commissioned officer in charge of the detention barrack at

You are hereby required to discharge the airman [*Name—No.—Rank*], of the [unit], now in your custody undergoing his sentence pursuant to the award of his commanding officer.

Signed at this day of 19 .

C.D.

Commanding Officer of the above Airman.

FORM K.

Order for Removal of Airman undergoing Imprisonment to be brought before a Court.

To the governor or chief officer of prison or detentiom barrack at

Whereas [*Name—No.—Rank*], of the [unit], is now in your custody undergoing a sentence of imprisonment passed by court-martial.

I, the undersigned, being do hereby in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order you to deliver the said airman to the officer or non-commissioned officer bringing this order.

And I do hereby order the said officer or non-commissioned officer, and all other officers and non-commissioned officers into whose custody the said airman may be delivered, to keep the said airman in air-force custody and bring him to there to appear before a (*a*) court-martial (*b*) as a witness, and then to return him to the above-named prison (or detention barrack), or to such other prison (or detention barrack) as may be determined by the proper authority, and to detain him in air-force custody until he is so returned or is discharged in due course of law, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

C.D.

If the Prison (or Detention Barrack) to which he is returned is altered.

I, the undersigned, being the do hereby in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order that he be forthwith returned in air-force custody to prison (*or* detention barrack) at , there to undergo the remainder of his sentence.

Signed at this day of 19 .

C.D.

(*a*) If the facts so require, substitute "civil court."
(*b*) Substitute, according to the facts, "for trial," or state the other reasons for which he is to be brought.

FORM L.

Form C 391A.

Order for Removal of Airman undergoing Detention to be brought before a Court

To the commandant or chief officer of the detention barrack at

Whereas [*Name—No.—Rank*], of the [unit], is now in your custody, undergoing a sentence of detention passed by court-martial (*a*);

I, the undersigned, being the , do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order you to deliver the said airman to the officer or non-commissioned officer bringing this order.

And I do hereby order the said officer or non-commissioned officer, and all other officers and non-commissioned officers into whose custody the said airman may be delivered, to keep the said airman in air force custody and bring him to , there to appear before a (*b*) court-martial (*c*) as a witness, and then to return him to the above-named detention barrack, or to such other detention barrack as may be determined by the proper authority, and to detain him in air force custody until he is so returned, or is discharged in due course of law, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

C.D.

If the Detention Barrack to which he is returned is altered.

I, the undersigned, being the do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order that he be forthwith returned in air force custody to the detention barrack at , there to undergo the remainder of his sentence.

Signed at this day of 19 .

C.D.

FORM M.

Form C 392.

Order for Removal of Airman undergoing Imprisonment for Embarkation.

To the governor or chief officer of prison (*or* detention barrack) at

Whereas [*Name—No.—Rank*], of the [unit], is now in your custody undergoing a sentence of imprisonment passed by court-martial.

I, the undersigned, being the , do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order you to deliver the said airman to the officer or non-commissioned officer presenting this order.

And I do hereby order the said officer or non-commissioned officer, and all officers and non-commissioned officers into whose custody the said airman may be delivered, to keep the said airman in air-force custody and to convey him in air-force custody in such manner as may be directed by air-force authority to where the [unit] to which he belongs is serving (*d*), and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

J.K.

(*a*) If necessary, substitute "awarded by his commanding officer."
(*b*) If the facts so require, substitute "civil court."
(*c*) Substitute, according to the facts, "for trial," or state the other reasons for which he is to be brought.
(*d*) If necessary, substitute "under orders to serve."

FORM N.

Form C 392A.

Order for Removal of Airman undergoing Detention for Embarkation.

To the commandant or chief officer of the detention barrack at

Whereas [*Name—No.—Rank*], of the [unit], is now in your custody undergoing a sentence of detention passed by court-martial (*a*).

I, the undersigned, being the do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order you to deliver the said airman to the officer or non-commissioned officer presenting this order.

And I do hereby order the said officer or non-commissioned officer, and all officers and non-commissioned officers into whose custody the said airman may be delivered, to keep the said airman in air-force custody and to convey him in air-force custody in such manner as may be directed by air-force authority to where the [unit] to which he belongs is serving (*b*) and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

J.K.

FORM O.

Form C 393.

Order for Removal of Airman from one public Prison (or Detention Barrack) to another.

To the governor or chief officer of prison (*or* detention barrack) at

Whereas [*Name—No.—Rank*], of the [unit] is now in your custody undergoing a sentence of imprisonment passed by court-martial.

I, the undersigned, being the do hereby, in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order you to deliver the said airman to the officer or non-commissioned officer presenting this order.

And I do hereby order the said officer or non-commissioned officer, and all officers and non-commissioned officers into whose custody the said airman may be delivered, to keep the said airman in air-force custody and convey him in air-force custody in such manner as may be directed by air-force authority, to the prison (*or* detention barrack) at there to undergo the remainder of his sentence, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

D.E.

(*a*) If necessary, substitute "awarded by his commanding officer."
(*b*) If necessary, substitute "under orders to serve."

FORM P.

Form C 393A.

Order for Removal of a person subject to Air Force Law as an Airman undergoing Detention from one Detention Barrack to another.

To the commandant or chief officer of the detention barrack at

Whereas [*Name—No.—Rank*], of the [unit], is now in your custody undergoing a sentence of detention passed by court-martial (*a*);

I, the undersigned, being the , do hereby in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf order you to deliver the said airman to the officer or non-commissioned officer presenting this order.

And I do hereby order the said officer or non-commissioned officer, and all officers and non-commissioned officers into whose custody the said airman may be delivered, to keep the said airman in air-force custody, and convey him in air-force custody in such manner as may be directed by air-force authority, to the detention barrack at , there to undergo the remainder of his sentence, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

FORM Q (*b*).

Form of order for temporary custody in Prison or Lock-up.

Form C 396

To the governor or chief officer of prison at (*c*).

Whereas [*Name—No.—Rank*], of the [unit], is now an airman in air-force custody.

Now therefore, I, the undersigned, the commanding officer of the said airman do hereby in pursuance of the Air Force Act, and of all other Acts and powers enabling me in this behalf, order you to receive the said airman into your custody and detain him until you receive a further order from me, but not longer than seven days, and for so doing this shall be your warrant.

Signed this day of 19 .

FORM R.

Form of Commitment to Detention Barrack for safe custody while awaiting Trial by, or Sentence of, Court-Martial.

Form B 72.

To the officer or non-commissioned officer in charge of the detention barrack at

Whereas [*Name—No.—Rank*], of the [unit] [has been remanded for trial by court-martial] (*d*) *or* [was on the day of 19 , tried by court-martial for the offence of], and is awaiting [trial] (*d*) *or* [the promulgation of the finding and sentence of the court].

(*a*) If necessary, substitute "awarded by his commanding officer."
(*b*) This form can be used only in the case of an airman as defined by the Air Force Act.
(*c*) Substitute, if necessary, "officer in charge of the police station [*or other place*] at
(*d*) NOTE.—The forms should be altered to meet cases of confinement before and after the trial respectively by erasing the words not applicable.

Now, therefore, I, the undersigned, being the commanding officer of the said airman, do hereby, in pursuance of the King's Regulations and Orders for the Air Force enabling me in this behalf, order you to receive him into your custody for safe custody, and for so doing this shall be your warrant.

You will take care that the said airman wears his service clothing and necessaries, that he is allowed to exercise during a reasonable portion of each day in association, if possible, but that he is kept apart from airmen undergoing sentences, and that he receives the ordinary rations and messing of an airman. He should not be *obliged* to labour otherwise than by being employed in drill fatigue and other duties similar in kind and amount to those he might be called on to perform if not in confinement.

Signed at this day of 19 .

(*Signature*)

FORM S.

Form of Discharging Order in case of Confinement in Detention Barrack for safe Custody while awaiting Trial by, or Sentence of, Court-Martial. Form B 94.

To the officer or non-commissioned officer in charge of the detention barrack at

You are hereby required to deliver over the airman [*Name—No.—Rank*], of the [unit], now in your custody for safe custody, pursuant to committal by his commanding officer, to the non-commissioned officer of the escort herewith attending to receive him.

Signed at this day of 19 .

(*Signature*)

Commanding Officer of the above airman.

FORM T.

Order for the Removal in Air Force Custody of a Deserter or Absentee without leave awaiting Escort. Form O 1797

To the governor or chief officer of prison.

Whereas [*Name—No.—Rank*], of the [unit], is now in your custody as a deserter or absentee without leave awaiting escort, I, the undersigned, being do hereby order you to deliver the said prisoner to the escort producing this authority.

Signed at this day of 19 .

D.E.

FORM U.

Form of Commitment of Person guilty of Contempt of a Court-Martial under s. 28.

To the officer or non-commissioned officer in charge of the prison [*or* detention barrack] at

Whereas a court-martial for the trial of , of which I, the undersigned, am president, was on this day sitting at and of the [unit], was guilty of contempt of the court by using insulting language [*or* by using threatening language], [*or* by causing an interruption in the proceedings of such court, *or as the case may be*], namely by [*here describe the act of which the offender was guilty*].

And whereas the said court did order the above-named offender to be imprisoned [*or* to undergo detention] for days.

Now, therefore, the court doth order you to receive the said offender into your custody for safe custody, and for so doing this shall be your warrant.

Signed at this day of 19 .

(*Signature*)

A.B., President of the above Court-Martial.

Rules for Field Punishment.

F.P. Rules. RULES FOR FIELD PUNISHMENT MADE UNDER S. 44 OF THE AIR FORCE ACT.

1. A court-martial, or a commanding officer, may award field punishment for any offence committed on active service, and may sentence an offender for a period not exceeding, in the case of a court-martial three months, and in the case of a commanding officer twenty-eight days, to one of the following field punishments namely :—

(*a*) Field punishment No. 1.
(*b*) Field punishment No. 2.

2. Where an offender is sentenced to field punishment No. 1, he may, during the continuance of his sentence, unless the court-martial or the commanding officer otherwise directs, be punished as follows :—

(*a*) He may be kept in irons, *i.e.*, in fetters or handcuffs, or both fetters and handcuffs ; and may be secured so as to prevent his escape.
(*b*) When in irons he may be attached for a period or periods not exceeding two hours in any one day to a fixed object, but he must not be so attached during more than three out of any four consecutive days, nor during more than twenty-one days in all.
(*c*) Straps or ropes may be used for the purpose of these rules in lieu of irons.
(*d*) He may be subjected to the like labour, employment, and restraint, and dealt with in like manner as if he were under a sentence of imprisonment with hard labour.

3. Where an offender is sentenced to field punishment No. 2, the foregoing rule with respect to field punishment No. 1 shall apply to him, except that he shall not be liable to be attached to a fixed object as provided by paragraph (*b*) of Rule **2**.

4. Every portion of a field punishment shall be inflicted in such a manner F.P. Rules.
as is calculated not to cause injury or to leave any permanent mark on the offender; and a portion of a field punishment must be discontinued upon a report by a responsible medical officer that the continuance of that portion would be prejudicial to the offender's health.

5. Field punishment will be carried out in the unit when the unit to which the offender belongs or is attached is actually on the move, but when the unit is halted at any place where there is a provost marshal, or an assistant provost marshal, the punishment will be carried out under that officer.

6. When the unit to which the offender belongs or is attached is actually on the move, an offender awarded field punishment No. 1 shall be exempt from the operation of Rule (2) (*b*), but all offenders awarded field punishment shall march with their unit, carry their arms and accoutrements, perform all their air force duties as well as extra fatigue duties, and be treated as defaulters.

I hereby certify that on account of urgency the foregoing rules should come into immediate operation, and I have accordingly made the said rules to come into operation forthwith as provisional rules.

ROTHERMERE,
One of His Majesty's Principal Secretaries of State.

Air Ministry.
26th March, 1918.

The foregoing rules are adopted as respects members of the naval forces when subject to the Air Force Act until further rules are made in pursuance of Section 44 of the said Act.

H. L. HEATH,
HUGH TOTHILL,
Lords Commissioners of the Admiralty.

Admiralty.
26th March, 1918.

PART III.

ORDERS IN COUNCIL APPLYING ACTS OF PARLIAMENT TO THE AIR FORCE.

At the Court at Buckingham Palace, the 22nd day of March, 1918.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas provision is made by section eight of the Air Force (Constitution) Act, 1917, for the establishment of an Air Council consisting of one of His Majesty's Principal Secretaries of State, who is to be President of the Air Council, and of certain other members:

And whereas it is enacted by section thirteen of the Air Force (Constitution) Act, 1917, that His Majesty may by Order in Council apply, with the necessary modifications and adaptations, in relation to the Air Council, the President of the Air Council, and the Air Force, and the officers and men thereof, and air force property or institutions, any of the enactments relating to the Army Council, the Secretary of State for the War Department, the Army, or the officers and soldiers thereof (including enactments conferring any powers, rights, exemption or abatement from taxation or immunities, or imposing any duties or disabilities on such officers or soldiers), or to military property or institutions:

And whereas on account of urgency this Order should come into immediate operation:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The enactments specified in the first column of the Schedule to this Order, being enactments relating to the Secretary of State for the War Department or the Army, shall apply so as to confer on the President of the Air Council all such powers, rights, and privileges in relation to the acquisition and holding of land for the use of the Air Force or for Air Force services or purposes, and in relation to the management, use, and disposal in any manner of land acquired for use of the Air Force or for Air Force services or purposes, as are under the said enactments at the date of this Order vested in His Majesty's Pruncipal Secretary of State for the War Department in relation to the acquisition and holding of land for military purposes or for the service of the War Department and in relation to the management, use, and disposal of land acquired for military purposes or for the services of the War Department, and the said enactments as in force at the date of this Order shall apply and have effect in relation to the President of the Air Council and the Air Force with the modifications and adaptations set out in the second column of the said Schedule.

2. This Order may be cited as the Air Force (Application of Enactments) (No. 1) Order, 1918.

3. This Order shall come into operation *provisionally*, in accordance with the provisions of Section 2 of the Rules Publication Act, 1893, from the date hereof.

Almeric FitzRoy.

Enactments applied.	Modifications and adaptations.
The Defence Act, 1842 (5 & 6 Vict., c. 94).	Section five shall not apply. "The President of the Air Council" shall be substituted for "the principal officers of Her Majesty's Ordnance," "the said principal officers," and "such principal officers," wherever those expressions occur, except in sections seven and eight, "him" and "his" shall be respectively substituted for "them" and "their" where the last mentioned words are used in reference to the said principal officers, and references to the successors of the said principal officers shall not apply. In section six for "set apart for the use and service or placed under the charge of the ordnance or late barrack department" there shall be substituted "set apart for the use and service of the Air Force or placed under the charge of the Air Council," for "the said departments" in both places where those words occur, and for "the said ordnance department" there shall be substituted "the Air Force," and for "military" there shall be sub-substituted "Air Force." In section seven for "the ordnance department" there shall be substituted "the Air Force." In section eight for "the secretary for the time being of the said principal officers or any other officer of the ordnance department or other person whom the said principal officers or any two or more of them shall from time to time appoint" there shall be substituted "the secretary of the Air Council or any other person whom the President of the Air Council may appoint in that behalf," for "at the option of the said principal officers" there shall be substituted "at the option of the President of the Air Council," for "the secretary for the time being of the said principal officers who shall succeed or then be in office or any other officer of the ordnance department or other person who shall be from time to time appointed as aforesaid (as the case may be)" there shall be substituted "the Secretary of the Air Council or any other person whom the President of the Air Council may appoint in that behalf," for "vested in the said principal officers" there shall be substituted "vested in the President of the Air Council," and the words "of such officer as shall be so appointed and who shall have been admitted or," "or any other officer of the ordnance department," "or other officer" and "or officer," shall not apply. In section nine "President of the Air Council" shall be substituted for "said principal officers for the time being of Her Majesty's ordnance," and "for the use and service of the Air Force" shall be substituted for "for and on behalf of the said ordnance or barrack services." In section ten for "the said ordnance department" there shall be substituted "the Air Force."

Enactments applied.	Modifications and adaptations.
The Defence Act, 1842 (5 & 6 Vict., c. 94)—*cont.*	In section twelve "President of the Air Council" shall be substituted for "said principal officers of Her Majesty's ordnance." In section sixteen for "ordnance department" there shall be substituted "Air Force." In section twenty-five "President of the Air Council for the service of the Air Force" shall be substituted for "said principal officers of the ordnance for the time being for the service of the said ordnance department." In section thirty-four for "relating to the said ordnance or barrack department" there shall be substituted "relating to the Air Force," and the words "or any of them" wherever they occur shall not apply. In section thirty-six the words "or any two of them" shall not apply. The following shall be substituted for section thirty-seven :— "Nothing contained in this Act or to be contained in any covenant, contract, lease, or other instrument, hereby authorised to be entered into, made, taken, or executed by the President of the Air Council shall extend to charge the person of the President of the Air Council executing any such covenant, contract, lease, or other instrument, or any of his own proper lands, tenements, foods or chattels, with or for the performance of all or any of the covenants, conditions, or agreements in the same covenant, contract, lease, or other instrument to be contained on his part." In section thirty-nine "notwithstanding the same or any part thereof may hereafter be permitted to be set apart for the use and service of the Air Force or placed under the charge of the Air Council, and notwithstanding the same may hereafter be permitted to be set apart for or placed under the charge of any person acting under the authority of or in trust for His Majesty for the use and service of the Air Force or for air-force defences" shall be substituted for the words from "notwithstanding the same or" to "military defences," and "Air Force" shall be substituted for "the said departments or either of them." Section forty-one shall not apply.
The Defence Act, 1854 (17 & 18 Vict., C. 67).	"The President of the Air Council" shall be substituted for "the principal officers for the time being of Her Majesty's ordnance" and "the said principal officers," (wherever those words occur), and for "the principal officers of Her Majesty's ordnance for the time being" and "the said principal officers of Her Majesty's board of ordnance."

Enactments applied.	Modifications and adaptations.
The Ordnance Board Transfer Act, 1855 (18 & 19 Vict., c. 117).	Sections one and three shall not apply. In section two the words from the beginning down to "Her said Majesty and" and the words "and any succeeding principal Secretary of State to whom Her Majesty shall have intrusted the seals of the war department" shall not apply; "the President of the Air Council" shall be substituted for "the said last-mentioned principal secretary of state," "such last-mentioned principal secretary of state," "such principal secretary of state," "such secretary of state, and "the last-mentioned principal secretary of state," wherever those words occur; "the Air Force department" shall be substituted for "the said department"; and "any President of the Air Council" shall be substituted for "any such last-mentioned principal secretary of state." "The President of the Air Council" shall be substituted for "the last-mentioned principal secretary of state," wherever those words occur in sections four and five, and for "such last-mentioned principal Secretary" in section four, and for "Her Majesty's principal Secretary of State for the War Department," "such last-mentioned principal secretary of state," and "the principal Secretary of State for the War Department," in section five. "President of the Air Council" shall be substituted for "said Secretary of State," wherever those words occur. "The Air Force" shall be substituted for "the admiralty or of the war department"; and "the President of the Air Council" shall be substituted for "Her Majesty's principal secretary of state for the war department," and for "the said principal secretary," wherever the last-mentioned words occur except after the words "transferred to." "The President of the Air Council" shall be substituted for "the said secretary of state" wherever those words occur, and for "such secretary of state" and "the secretary of state." In section forty-five "Treasury Solicitor" shall be substituted for "solicitor for the war department." The words in section forty-seven from the beginning thereof down to the words "war department and" shall not apply. "The President of the Air Council" shall be substituted for "Her Majesty's principal secretary of state for the war department" and for "the said secretary of state." "The President of the Air Council" shall be substituted for "Her Majesty's principal secretary of state for the war department," for "such secretary of state," and for "the said secretary of state." In the title for "military purposes" shall be substituted "air force purposes," and in the preamble for "military forces" shall be substituted "Air Force."
The Defence Act, 1859 (22 Vict., c. 12).	
The Lands Clauses Consolidation Acts Amendment Act, 1860 (23 & 24 Vict., c. 106), section seven.	
The Defence Act, 1860 (23 & 24 Vict., c. 112).	
The Militia (Lands and Buildings) Act, 1873 (36 & 37 Vict., c. 68), section seven.	
The Defence Acts Amendment Act, 1873 (36 & 37 Vict., c. 72).	
The Barracks Act, 1890 (53 & 54 Vict., c. 25).	
The Ranges Act, 1891 (54 & 55 Vict., c. 54).	

Enactments applied.	Modifications and adaptations.
The Military Lands Act, 1892 (55 & 56 Vict., c. 43).	The provision relating to the purchase of land by or on behalf of a volunteer corps, to the leasing of land to a volunteer corps, and to land belonging to a volunteer corps or in respect of which a volunteer corps has rights, and any provisions incidental to the provisions aforesaid, shall not apply. "The President of the Air Council" shall be substituted for "the secretary of state," and "secretary of state" wherever those words occur. "Air-force purposes" shall be substituted for "military purposes," wherever those words occur except in subsection (1) of section one and section twenty-three. In subsection (1) of section one "air-force purposes" shall be substituted for "the military purposes of any portion of Her Majesty's military forces." In section twenty-one "purpose of the defence of the realm by air" shall be substituted for "purposes of coast defence operations" and "air signals" shall be substituted for "alignment marks." The following shall be substituted for the first paragraph of section twenty-three :— "In this Act the expression "air-force purposes" includes the building and enlarging of barracks, camps and aerodromes, the storing of aircraft and aircraft material, air force training and any other purposes connected with the air force matters approved by the President of the Air Council, and the expressions 'air signal,' 'aircraft,' and 'aircraft material' have the same meaning as in the Air Force Act."

At the Court at Buckingham Palace, the 22nd day of March, 1918.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by section thirteen of the Air Force (Constitution) Act, 1917, it is provided that His Majesty may, by Order in Council, apply, with the necessary modifications and adaptations, in relation to the Air Council, the President of the Air Council, and the Air Force, and the officers and men thereof, and air force property or institutions, any of the enactments relating to the Army Council, the Secretary of State for the War Department, the Army, or the officers and soldiers thereof (including enactments conferring any powers, rights, exemption or abatement from taxation or immunities, or imposing any duties or disabilities on such officers or soldiers), or to military property or institutions:

And whereas by the Air Force (Application of Enactments) (No. 1) Order, 1918, certain enactments have been applied in relation as aforesaid and it is expedient so to apply the further enactments mentioned in the first column of the Schedule to this Order:

And whereas on account of urgency this Order should come into immediate operation:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order and it is hereby ordered as follows:—

1. The enactments mentioned in the first column of the Schedule to this Order, being enactments relating to the Army Council, the Secretary of State for the War Department, the Army or the officers and soldiers thereof or military property and institutions, shall apply in relation to the Air Council, the President of the Air Council and the Air Force and the officers and men thereof and to air force property and institutions subject to the modifications and adaptations specified in the second column of that Schedule.

2. Any reference in any enactment to any enactment applied by this Order or by the Air Force (Application of Enactments) (No. 1) Order, 1918, or by any other Order in Council made under Section 13 of the Air Force (Constitution) Act, 1917, shall be construed as including a reference to that enactment as so applied.

3. This Order may be cited as the Air Force (Application of Enactments) (No. 2) Order, 1918, and shall come into operation forthwith as a provisional order in accordance with the provisions of section two of the Rules Publication Act, 1893.

Almeric FitzRoy.

Schedule.

Enactments applied.	Modifications and Adaptations.
The Dockyards, &c., Protection Act, 1772, (12 Geo. 3. c. 24).	The reference to "arsenals" shall be construed including a reference to aircraft factories, and reference to "military stores" as including reference to aircraft material.
The Incitement to Mutiny Act, 1797 (37 Geo. 3. c. 70).	The reference to "His Majesty's forces by land" sh be construed as including a reference to the Force.
The Criminal Jurisdiction Act, 1802 (42 Geo. 3. c. 85).	References to "military station, office or capacit shall be construed as including references to air-fo station, office or capacity.
The Sale of Offices Act, 1809 (49 Geo. 3. c. 126).	The references to "military commissions," " Secretary of State," and "military command" sh respectively be construed as including a reference air-force commissions, the Secretary of State wh President of the Air Council, and air-force comma
The Jurors (Scotland) Act, 1825 (6 Geo. 4. c. 22), section two.	The reference to "officers in His Majesty's Arm shall be construed as including a reference to offi in the Air Force.
The Superannuation Act, 1834 (4 & 5 Will. 4. c. 24), sections twenty-one and twenty-five.	References to "military half-pay," "military al ances," and "military pensions," shall respecti be construed as including references to air-f half-pay, air-force allowances and air-force pensi the reference to "the Army" as including a refere to the Air Force, and the reference to "the Dep ment of the Secretary at War" as includin reference to the department of the Air Council.
The Income Tax Act, 1842 (5 & 6 Vict. c. 35), section one hundred and forty-six.	The reference to a "commissioned officer belongin Her Majesty's army" shall be construed as inclu a reference to a commissioned officer belongin the Air Force.
The Railways Regulation Act, 1842 (5 & 6 Vict. c. 55), section twenty.	The references to "officers and soldiers of Her Majes forces of the line" shall be construed as includi reference to officers and soldiers of the Air For and the reference to "the Secretary at War" s be construed as including a reference to the Secre of State who is President of the Air Council.
The Railways Regulation Act, 1844 (7 & 8 Vict. c. 85), section twelve.	References to "the military forces" shall be const as including references to the Air Force, reference a "soldier" as including a reference to an airm and the reference to "the Secretary at War" including a reference to the Secretary of State is President of the Air Council.
The Parliamentary Elections (Soldiers) Act, 1847 (10 & 11 Vict. c. 21).	References to "soldiers" shall be construed as inc ing references to airmen, the reference to Secretary at War" as including a reference to Secretary of State who is President of the Council, and the reference "to the general of commanding in each district of Great Britain including a reference to the air-force officer manding in each air-force area of Great Britain.
The Harbours, Docks, and Piers Clauses Act, 1847 (10 & 11 Vict. c. 27), section twenty-eight.	The references to the "ordnance," to "ordn stores" and to "troops" shall respectively construed as including references to the Air For air-force stores, and members of the Air Force.

Enactments applied.	Modifications and Adaptations.
e Military Savings Banks Act, 1859 (22 & 23 Vict. c. 20).	References to "military savings banks" shall be construed as including references to air-force savings banks, references to "non-commissioned officers and soldiers" as including references to non-commissioned officers and soldiers of the Air Force, references to "ordinary army services" as including references to ordinary air-force services, references to "the Secretary at War" as including references to the Secretary of State who is President of the Air Council, and the reference to "regiment" as including a reference to unit, and the expression "regimental" wherever it occurs shall be construed accordingly.
e Metropolitan Police Act, 1860 (23 & 24 Vict. c. 135).	References to "the War Department" shall be construed as including references to the department of the Air Council, the reference to "persons subject to military discipline" as including a reference to persons subject to the Air Force Act, and the reference to "steam factory yards" as including a reference to aircraft factories.
e Metropolitan Police Act, 1861 (24 & 25 Vict. c. 51), section three.	The reference to "the Principal Secretary of State for the War Department" shall be construed as including a reference to the Secretary of State who is President of the Air Council.
e Officers' Commissions Act, 1862 (25 & 26 Vict. c. 4).	The reference to "Her Majesty's land forces" shall be construed as including a reference to the Air Force, and the reference to "military chaplains, commissariat and store officers" as including a reference to Air Force chaplains, commissariat and store officers.
e Jurisdiction in Homicides Act, 1862 (25 & 26 Vict. c. 65), except section twenty.	References to the "Mutiny Act" shall be construed as including references to the Air Force Act, the reference to "Her Majesty's Principal Secretary of State for the War Department" as including a reference to the Secretary of State who is President of the Air Council, and the reference to "military discipline" as including a reference to air-force discipline.
e Isle of Man Customs, Harbours, and Public Purposes Act, 1866 (29 & 30 Vict. c. 23), section three.	The reference to "army services" shall be construed as including a reference to air-force services.
e Exchequer & Audit Departments Act, 1866 (29 & 30 Vict. c. 39).	References to the "army" shall be construed as including references to the Air Force. In section ten the reference to "military services" shall be construed as including a reference to air-force services. In section fifteen "for army, navy and air-force services" shall be substituted for "for army and navy services," and "heads of 'Army,' 'Navy' and 'Air Force'" shall be substituted for "heads of 'Army' and 'Navy.'"
e War Department Stores Act, 1867 (30 & 31 Vict. c. 128).	In section twenty references to "the Secretary of State for War" shall be construed as including references to the Secretary of State who is President of the Air Council, and the reference to "military stores" as including a reference to air-force stores.

Enactments applied.	Modifications and Adaptations.
The Army Chaplains Act, 1868 (31 & 32 Vict. c. 83).	References to "army chaplains" shall be construed as including references to air-force chaplains, references to "Her Majesty's military forces" and "Majesty's forces" as including references to air-force, and the reference to "soldiers" as including a reference to airmen.
The Revenue Act, 1869 (32 33 Vict. c. 14), section nineteen (5).	The reference to an "officer in Her Majesty's army" shall be construed as including a reference to officer of the Air Force, and the reference to "soldier in the army" as including a reference an airman.
The Forfeiture Act, 1870 (33 & 34 Vict. c. 23), section two.	References to a "military office" shall be construed as including a reference to an air-force office.
The Gun Licence Act, 1870 (33 & 34 Vict. c. 57), section seven (1).	The reference to "military service" shall be construed as including a reference to air-force service.
The Juries Act, 1870 (33 & 34 Vict. c. 77), section nine and schedule.	The reference to "officers of the army" shall be construed as including a reference to officers of the Air Force.
The Foreign Enlistment Act, 1870 (33 & 34 Vict. c. 90), sections twenty-one and twenty-two.	The reference to "the military service of the Crown" shall be construed as including a reference to air-force service, and references to "the army" shall be construed as including references to the Air Force.
The Pensions Commutation Act, 1871 (34 & 35 Vict. c. 36).	The references to "the Army" and to "Her Majesty's land forces" shall be construed as including a reference to the Air Force, and the reference to "the War Office" as including a reference to the Air Council.
The Regimental Exchange Act, 1875 (38 & 39 Vict. c. 16).	The reference to "Her Majesty's regular forces" shall be construed as including a reference to the regular Air Force, and the reference to "regiment" as including a reference to unit.
The Explosives Act, 1875 (38 & 39 Vict. c. 17), section ninety-seven (2).	The reference to "ships" shall be construed as including a reference to aircraft.
The Public Stores Act, 1875 (38 & 39 Vict., c. 25), sections eight and thirteen.	The reference to "steam factory yards" shall be construed as including a reference to aircraft factories, and the reference to "soldier" as including a reference to airman, and after the words "volunteer artillery" in section eight there shall be inserted the words "or from any aerodrome used by the Air Force."
The Public Health Act, 1875 (38 & 39 Vict., c. 55) section three hundred and twenty-seven (2).	The reference to "Her Majesty's Principal Secretary of State for the War Department" shall be construed as including a reference to the Secretary of State who is President of the Air Council.
The Customs Consolidation Act, 1876 (39 & 40 Vict., c. 36), sections one hundred and ninety-six and two hundred and two.	References to "officers of the army" shall be construed as including a reference to officers of the Air Force.
The Pensions Commutation Act, 1876 (39 & 40 Vict., c. 73).	The reference to "the Army" shall be construed as including a reference to the Air Force.

Enactments applied.	Modifications and Adaptations.
e Registration of Births, Deaths and Marriages Army) Act, 1879 (42 Vict., c. 8) section two.	The reference to " officers and soldiers of Her Majesty's land forces " shall be construed as including a reference to officers and men of the Air Force and the reference to " the Army register book " as including a reference to the air-force register book. The reference to " military stores " shall be construed as including a reference to air-force stores.
e Customs and Inland Revenue Act, 1879 (42 & 3 Vict., c. 21), section ight.	
e Municipal Corporations Act, 1882 (45 & 46 Vict., . 50), sections two hundred nd fifty-three and two undred and fifty-four.	References to " military officer " and " military establishments " shall respectively be construed as including references to air-force officer and air-force establishments.
e Cheap Trains Act, 1883 46 & 47 Vict., c. 34), ection six.	The reference to the officers and soldiers mentioned in paragraph (*b*) shall be construed as including a reference to any of the officers and airmen of the regular Air Force for the time being subject to the Air Force Act, the references to the " Secretary of State " and " one of His Majesty's Principal Secretaries of State " as including references to the Secretary of State who is President of the Air Council, and the reference to the " Army Act, 1881," as including a reference to the Air Force Act.
e Pensions and Yeomanry Pay Act, 1884 (47 & 48 Vict., c. 55), sections three, four, five, and seven.	The reference in sections three, four, and five to " a Secretary of State " shall be construed as including a reference to the Secretary of State who is President of the Air Council, references in section three to the Army Act, 1881," as including references to the Air Force Act, and references in section four to " soldier," " military forces " and " army services " as including respectively airman, the Air Force and air-force services. The reference in section five to " military service " shall be construed as including a reference to air-force service, and the references in section seven to " soldier " as including references to airman.
e Revenue Act 1884 (47 & 48 Vict., c. 62), section fourteen.	References to " army services," " military forces " and " military establishments " shall respectively be construed as including references to air-force services, the Air Force and air-force establishments. References to " the Secretary of State " shall be construed as including references to the Secretary of State who is President to the Air Council.
e Military Tramways Act, 1887 (50 & 51 Vict., c. 65).	
e Superannuation Act, 1887 (50 & 51 Vict., c. 67), sections six and seven.	References to " land forces " and " military service " shall respectively be construed as including references to the Air Force and air-force service.
e National Defence Act, 1888 (51 & 52 Vict., c. 31), section four.	References to " a Secretary of State " and " the Secretary of State " shall be construed as including references to the Secretary of State who is President of the Air Council. The references to " military forces " and " military purposes " shall respectively be construed as including references to the Air Force and to air-force purposes. The reference to " establishments of the army " shall be construed as including a reference to establishments of the Air Force.
e Army and Navy Audit Act, 1889 (53 Vict., c. 31).	

Enactments applied.	Modifications and adaptations.
The Lunacy Act, 1890 (53 & 54 Vict., c. 5), section three hundred and thirty-five.	References to "military service" shall be construed as including references to air-force service.
The Regimental Debts Act, 1893 (56 Vict., c. 5), except sections twenty-six and twenty-seven and so much of section twenty-five, as relates to natives of India.	References to "Secretary of State" (other than the reference to the Secretary of State in Council of India) shall be construed as including references to the Secretary of State who is President of the Air Council, and references to "persons subject to military law" as including references to persons subject to the Air Force Act. Subject as aforesaid, references to "military," "regimental accounts," "soldiers," "army paymaster" and "Army Act" shall respectively be construed as including references to Air Force, service accounts, airmen, air force paymaster and Air Force Act.
The Uniforms Act, 1894 (57 & 58 Vict., c. 45), sections two and three.	References to "military forces" and "military representation" shall respectively be construed as including the Air Force and air-force representation.
The Exportation of Arms Act, 1900 (63 & 64 Vict., c. 44).	References to "military stores" and "military operations" shall respectively be construed as including air-force stores and warlike operations by air.
The Licensing (Scotland) Act, 1903 (3 Edw. 7. c. 25), section fifty.	The reference to a "canteen under the authority of a Secretary of State" shall be construed as including a reference to a canteen under the authority of the Secretary of State who is President of the Air Council.
The Seamen's and Soldiers' False Characters Act, 1906 (6 Edw. 7. c. 5).	References to "soldiers" and "military forces" shall respectively be construed as including references to airmen and the Air Force.
The Workmen's Compensation Act, 1906 (6 Edw. 7. c. 58), section nine.	The reference to "military service" shall be construed as including a reference to air-force service.
The Patents and Designs Act, 1907 (7 Edw. 7. c. 29), section thirty.	References to "the Secretary of State for War" and "the Secretary of State" shall be construed as including references to the Secretary of State who is President of the Air Council.
The Lights on Vehicles Act, 1907 (7 Edw. 7. c. 45), section five (4).	The reference to "military service" shall be construed as including a reference to air-force service.
The Post Office Act, 1908 (8 Edw. 7. c. 48), section six.	References to "soldier," "regular forces," "Army Act" and "regiment" shall respectively be construed as including references to airman, the regular Air Force, the Air Force Act, and unit.
The Finance (1909-1910) Act, 1910 (10 Edw. 7. c. 8), sections seventeen and thirty-seven.	References to "military forces" and "Army Council" shall respectively be construed as including references to the Air Force and the Air Council.
The Licensing (Consolidation) Act, 1910 (10 Edw. 7. c. 24), section one hundred and eleven (2).	The reference to a "canteen under the authority of a Secretary of State" shall be construed as including a reference to a canteen under the authority of the Secretary of State who is President of the Air Council.
The Small Landholders (Scotland) Act, 1911 (1 & 2 Geo. 5 c. 49) section thirty-four.	The reference to "military forces" shall be construed as a reference to the Air Force.

Enactments applied.	Modifications and Adaptations.
The National Insurance Act, 1911 (3 & 4 Geo. 5. c. 55), First Schedule, Part II, paragraph (a).	The reference to "military service" shall be construed as including a reference to air-force service.
The Bankruptcy (Scotland) Act, 1913 (3 & 4 Geo. 5. c. 20), section one hundred and forty-eight.	The reference to "the Secretary of War" shall be construed as including a reference to the Secretary of State who is President of the Air Council.
The Police Reservists (Allowances) Act, 1914 (4 & 5 Geo. 5. c. 34).	References to "military service," "military funds" and "soldier" shall respectively be construed as including references to air-force service, air-force funds and airman.
The Osborne Estate Act, 1914 (4 & 5 Geo. 5. c. 36).	References to "military forces" shall be construed as including references to the Air Force.
The Bankruptcy Act, 1914 (4 & 5 Geo. 5. c. 59), section fifty-one.	The reference to the "Army" shall be construed as including a reference to the Air Force.
The Elementary School Teachers (War Service Superannuation) Act, 1914 (4 & 5 Geo. 5. c. 66).	The reference to the "military forces" shall be construed as including a reference to the Air Force.
The Education (Scotland) (War Service Superannuation) Act, 1914 (4 & 5 Geo. 5. c. 67).	The reference to the "military forces" shall be construed as including a reference to the Air Force.
The Police Constables (Naval and Military Service) 1914 (4 & 5 Geo. 5. c. 80).	References to "military service," "military funds" and "military forces" shall respectively be construed as including references to air-force service, air-force funds and the Air Force.
The Government of Ireland Act, 1914 (4 & 5 Geo. 5. c. 90).	The references in subsection (3) of section two to "the Army," "any other military force" and "any other military matter" shall respectively be construed as including references to the Air Force, any other Air Force and any other air-force matter.
The Finance Act, 1914 (Session 2) (5 & 6 Geo. 5. c. 7), section thirteen.	The reference to "military forces" shall be construed as including a reference to the Air Force.
The Defence of the Realm Consolidation Act, 1914 (5 & 6 Geo. 5. c. 8).	References to "the Army Council" "His Majesty's Forces," "His Majesty's forces by land," and "military service" shall respectively be construed as including references to the Air Council, Air Force, His Majesty's forces by air and air-force service.
The Local Authorities (Disqualification Relief) Act, 1914 (5 & 6 Geo. 5. c. 10).	References to "military forces" and "military service" shall respectively be construed as including references to the air-force and air-force service.
The Execution of Trusts (War Facilities) Act, 1914 (5 & 6 Geo. 5. c. 13).	The reference to "military forces" shall be construed as including a reference to the Air Force.
The Injuries in War Compensation Act, 1914 (Session 2) (5 & 6 Geo. 5. c. 18).	The references to the "Army Council" and "military service" shall respectively be construed as including references to the Air Council and air-force service.
The Law Agents Apprenticeship (War Service) (Scotland), Act, 1914 (5 & 6 Geo. 5. c. 20).	The reference to "military forces" shall be construed as including a reference to the Air Force.

Enactments applied.	Modifications and Adaptations.
The Army (Suspension of Sentences) Act, 1915 (5 & 6 Geo. 5. c. 23), as amended by the Army (Suspension of Sentences) Amendment Act, 1916 (5 & 6 Geo. 5. c. 103).	References to "soldier," "superior military authority," "competent military authority" and "Army Act" shall respectively be construed as including references to airman, superior air-force authority, competent air-force authority and Air Force Act, subject to this modification that for the definitions of "superior military authority" and "competent military authority" the following definitions shall respectively be substituted :— "The expression 'superior air-force authority' means the Air Council, the officer commanding in chief of any military force with which the airman is serving and any general officer whether of the Air Force or the Army whom the Air Council may appoint for the purpose." "The expression 'competent air-force authority' means a superior air-force authority or any general or other officer not below the rank of field officer (whether an officer of the Air Force or the Army) duly authorised by a superior air-force authority."
The Irish Police (Naval and Military Service) Act, 1915 (5 & 6 Geo. 5. c. 32).	References to "military service," "military funds" and "military forces" shall respectively be construed as including references to air-force service, air-force funds and the Air Force.
The Defence of the Realm (Amendment) Act, 1915 (5 & 6 Geo. 5 c. 34).	The reference to "a person subject to military law" shall be construed as including a reference to a person subject to the Air Force Act.
The Defence of the Realm (Amendment) No. 2 Act, 1915 (5 & 6 Geo. 5. c. 37).	The reference to the "Army Council" shall be construed as including a reference to the Air Council.
The Police (Emergency Provisions) Act, 1915, (5 & 6 Geo. 5. c. 41).	References to "military service," "military funds" and "military forces" shall respectively be construed as including references to air-force service, air-force funds and the Air Force.
The Defence of the Realm (Amendment) No. 3 Act, 1915 (5 & 6 Geo. 5. c. 42).	The reference to "military forces" shall be construed as including a reference to the Air Force.
The Finance Act, 1915 (5 & 6 Geo. 5. c. 62).	The reference in section nineteen to "military forces" shall be construed as including a reference to the Air Force.
The Naval and Military War Pensions, &c. Act, 1915 (5 & 6 Geo. 5. c. 83).	References to sections three and five to "the Army Council" and references in sections three and four to "officers and men" shall respectively be construed as including respectively references to the Air Council and to officers and airmen of the Air Force.
The Clubs (Temporary Provisions) Act, 1915 (5 & 6 Geo. 5. c. 84).	References in section three to "His Majesty's forces" and to the "competent military authority" shall respectively be construed as including references to the Air Force and the competent air-force authority.
The Finance (No. 2) Act, 1915 (5 & 6 Geo. 5. c. 89).	The reference in section twenty-five to "military forces" shall be construed as including a reference to the Air Force.
The Evidence (Amendment) Act, 1915 (5 & 6 Geo. 5. c. 94).	The references to "military service" and the reference in section four to the "Army Council" shall respectively be construed as including references to the air-force service and the Air Council.
The Munitions of War (Amendment) Act, 1916 (5 & 6 Geo. 5. c. 99).	The reference in section four to "military service" shall be construed as including a reference to air-force service.

Enactments applied.	Modifications and Adaptations.
The Military Service Act, 1916 (5 & 6 Geo. 5. c. 104), paragraph 5 of the First Schedule.	The reference to "military service" shall be construed as including a reference to air-force service.
The Marriage (Scotland) Act, 1916 (6 & 7 Geo. 5. c. 7).	The reference in section four to "military forces" shall be construed as including a reference to the Air Force.
The Local Government (Emergency Provisions) Act, 1916 (6 & 7 Geo. 5. c. 12).	References to "His Majesty's forces" and "military pay" wherever they occur and references in sections five and twenty to the "Army Council," and references in sections six and twenty-one to "soldiers" shall respectively be construed as including references to the Air Force, air-force pay, the Air Council and airmen.
The Courts (Emergency Powers) (Amendment) Act, 1916 (6 & 7 Geo. 5. c. 13).	The reference to "His Majesty's forces" shall be construed as including a reference to the Air Force.
The Military Service Act, 1916 (Session 2) (6 & 7 Geo. 5. c. 15), section two.	The reference to "the Army Act" shall be construed as including a reference to the Air Force Act.
The Finance Act, 1916 (6 & 7 Geo. 5. c. 24).	The reference in section fourteen to "military services" shall be construed as including a reference to air-force services, the reference in section thirty to "military forces" shall be construed as including a reference to the Air Force, and the references in section thirty-one to "military forces," "in the Army," "with the colours" and "Army Council" shall respectively be construed as including references to the Air Force, in the Air Force, in air-force service and Air Council.
The Output of Beer (Restriction) Act, 1916 (6 & 7 Geo. 5. c. 26).	The reference to "the Secretary of State" where it secondly occurs in subsection (5) of section five shall be construed as including a reference to the President of the Air Council.
The Police, Factories, &c. (Miscellaneous Provisions) Act, 1916 (6 & 7 Geo. 5. c. 31).	References to "His Majesty's forces," "Army Council" and "Military service" shall be respectively construed as including references to the Air Force, Air Council and air-force service.
The Army (Courts of Inquiry) Act, 1916 (6 & 7 Geo. 5. c. 33).	References to "the Army Act" shall be construed as including references to the Air Force Act, references to persons or witnesses "not subject to military law" as including references to persons or witnesses not subject to the Air Force Act, and the reference to "the Secretary of State" as including a reference to the Secretary of State who is President of the Air Council.
The Small Holdings Colonies Act, 1916 (6 & 7 Geo. 5. c. 38).	The references in subsection (3) of section one to "military forces" shall be construed as including a reference to the Air Force.
The Friendly Societies Act, 1916 (6 & 7 Geo. 5. c. 54).	The reference to "His Majesty's forces" shall be construed as including a reference to the Air Force.
The Output of Beer (Amendment Act, 1916 (6 & 7 Geo. 5. c. 57).	The references to the "regular forces" shall be construed as including references to the regular Air Force.
The Constabulary and Police (Ireland) Act, 1916 (6 & 7 Geo. 5. c. 59).	The reference to "military forces" shall be construed as including a reference to the Air Force.

Enactments applied.	Modifications and Adaptations.
The Soldiers and Sailors (Gifts for Land Settlement) Act, 1916 (6 & 7 Geo. 5. c. 60).	The reference to "military forces" shall be construed as including a reference to the Air Force.
The Munitions (Liability for Explosions) Act, 1916 (6 & 7 Geo. 5. c. 61).	The reference to "military purposes" shall be construed as including a reference to "air-force purposes."
The Defence of the Realm (Acquisition of Land) Act, 1916 (6 & 7 Geo. 5. c. 63).	The references in sections one and three to the "Army Council" and in section twelve to the "competent military authority" shall respectively be construed as including references to the Air Council and the competent air-force authority.
The Military Service (Review of Exceptions) Act, 1917 (7 & 8 Geo. 5. c. 12) section one.	References in sub-sections (1) and (4) of section one to "military service," the reference in proviso (*b*) to subsection (1) of section one to the "Army Council" and the reference in subsection (4) of section one to "service with the colours" shall respectively be construed as including references to the air-force service, the Air Council and air-force service; but save as aforesaid references to the Army Council shall not include reference to the Air Council.
The Naval and Military War Pensions, &c. (Administrative Expenses) Act, 1917 (7 & 8 Geo. 5. c. 14).	References in sections five and six to "officers and men" and the reference in section six to "military service" shall respectively be construed as including references to officers and airmen of the Air Force and the air-force service.
The Billeting of Civilians Act, 1917 (7 & 8 Geo. 5. c. 20).	References in section two to "the Army Council" and "military exigencies" and the reference in section three to "His Majesty's forces" shall respectively be construed as including references to the Air Council, the exigencies of the air-force service and the Air Force.
The Courts (Emergency Powers) Act, 1917 (7 & 8 Geo. 5. c. 25).	The reference to "His Majesty's forces" shall be construed as including a reference to the Air Force.
The Police Constables (Naval and Military Service) Act, 1917 (7 & 8 Geo. 5. c. 36).	The reference to "military forces" shall be construed as including a reference to the Air Force.
The Naval and Military War Pensions, &c. (Transfer of Powers) Act, 1917 (7 & 8 Geo. 5. c. 37).	The reference in section one to "Army services" shall be construed as including a reference to air-force services.

PART IV.

(a) SECTION 90A OF THE NAVAL DISCIPLINE ACT AS AMENDED BY THE AIR FORCE (CONSTITUTION) ACT, 1917.

Relations between military and naval forces acting together.

90A.—(1) Where an officer or non-commissioned officer, not below the rank of sergeant, is a member of a body of His Majesty's military forces acting with, or is attached to, any body of His Majesty's naval forces, under such conditions as may be prescribed by regulations made by the Admiralty and Army Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's naval forces as aforesaid, be treated, and may exercise all such powers (other than powers of punishment), as if he were a naval officer or petty officer, as the case may be.

(1A) Where an officer or non-commissioned officer, not below the rank of sergeant, is a member of a body of His Majesty's air force acting with any body of His Majesty's naval forces, under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, and such officer or non-commissioned officer is not borne on the books of any of His Majesty's ships in commission, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's naval forces as aforesaid, be treated, and may exercise all such powers (other than powers of punishment), as if he were a naval officer or petty officer, as the case may be.

(2) Where any naval officer or seaman is a member of a body of His Majesty's naval forces acting with or is attached to any body of His Majesty's military forces under such conditions as may be prescribed by regulations made by the Admiralty and Army Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and non-commissioned officers, not below the rank of sergeant, of such military body shall, in relation to him, be treated, and may exercise all such powers (other than powers of punishment), as if they were naval officers and petty officers.

(2A) Where any naval officer or seaman is a member of a body of His Majesty's naval forces acting with any body of His Majesty's air force, under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and non-commissioned officers, not below the rank of sergeant, of such body of the air force shall, in relation to him, be treated, and may exercise all such powers (other than powers of punishment), as if they were naval officers and petty officers.

(3) The relative rank of naval and military and air-force officers, petty officers, and non-commissioned officers shall, for the purposes of this section, be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force.

(*b*) SECTION 184A OF THE ARMY ACT AS AMENDED BY THE AIR FORCE (CONSTITUTION) ACT.

Relations between military and naval forces acting together. 5 Geo. 5. c. 26.

184A.—(1) Where an officer or petty officer in the Navy is a member of a body of His Majesty's naval forces acting with or is attached to any body of His Majesty's military forces, under such conditions as may be prescribed by regulations made by the Admiralty and Army Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's military forces as aforesaid, be treated and have all such powers (other than powers of punishment) as if he were a military officer or non-commissioned officer as the case may be.

(1A) Where an officer or non-commissioned officer of the air force is a member of a body of His Majesty's air force acting with any body of His Majesty's military forces, under such conditions as may be prescribed by regulations made by the Army Council and the Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's military forces as aforesaid, be treated, and have all such powers (other than powers of punishment), as if he were a military officer or non-commissioned officer, as the case may be :

Provided that under regulations made by the Army Council and Air Council the officers and airmen of a body of the air force acting with any body of His Majesty's military forces on active service, or any of such officers or airmen, may, in such manner and in such circumstances, and subject to such conditions as may be provided by or under those regulations, be made subject to military law, and in such case they shall be subject thereto in like manner as if they were officers and airmen attached to the Army.

(2) Where any officer or soldier is a member of a body of His Majesty's military forces acting with or is attached to any body of His Majesty's naval forces, under such conditions as may be prescribed by regulations made by the Army Council and the Admiralty, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and petty officers of such naval body shall, in relation to him, be treated and have all such powers (other than powers of punishment) as if they were military officers or non-commissioned officers.

(2A) Where any officer or soldier is a member of His Majesty's military forces acting with any body of His Majesty's air force, under such conditions as may be prescribed by regulations made by the Army Council and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and non-commissioned officers of such body of the air force shall, in relation to him, be treated and have all such powers (other than powers of punishment), as if they were military officers or non-commissioned officers.

3. The relative rank of naval and military and air force officers, petty officers and non-commissioned officers shall, for the purposes of this section, be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force.

(c) CONDITIONS PRESCRIBED BY THE ADMIRALTY AND AIR COUNCIL UNDER THE POWERS GRANTED TO THEM BY SECTION 90A OF THE NAVAL DISCIPLINE ACT AND SECTION 184A OF THE AIR FORCE ACT.

WHEREAS Section 90A of the Naval Discipline Act and Section 184A of the Air Force Act apply only when such conditions as may be prescribed by regulations made by the Admiralty and Air Council are complied with.

NOW THEREFORE it is hereby declared that the said sections shall apply if any of the following conditions are complied with:—

(1) If an order applying the sections is made by the Admiralty and Air Council.

(2) If in case of emergency where two forces are acting together and reference to the Admiralty and Air Council would cause undue delay, an order in writing applying the sections is made by the officers commanding the two forces respectively, but in such case such officers shall communicate the fact to the Admiralty and Air Council.

Given under our hands this fifteenth day of March, 1918.

On behalf of the Lords Commissioners of the Admiralty.

H. L. Heath.

Hugh Tothill.

And on behalf of the Air Council.

Rothermere.

John Baird.

ORDER MADE ON THE EIGHTEENTH DAY OF MARCH, 1918, BY THE ADMIRALTY AND THE AIR FORCE UNDER CLAUSE I OF THE REGULATIONS DEFINING THE CONDITIONS PRESCRIBED BY THE ADMIRALTY AND AIR COUNCIL UNDER THE POWERS GRANTED TO THEM BY SECTION 90A OF THE NAVAL DISCIPLINE ACT AND SECTION 184A OF THE AIR FORCE ACT.

Section 90A of the Naval Discipline Act and Section 184A of the Air Force Act shall apply to any Naval Picket which may be acting with any body of His Majesty's Air Force and to any body of the Air Force Police which may be acting with any body of His Majesty's Naval Forces, and to the bodies of His Majesty's Air Forces and Naval Forces respectively, with whom such Naval Picket or body of the Air Force Police is acting.

By command of the Lords Commissioners of the Admiralty.

O. Murray
Secretary.

By command of the Air Council.

W. A. Robinson,
Secretary.

CONDITIONS PRESCRIBED BY THE ARMY COUNCIL AND THE AIR COUNCIL UNDER THE POWERS GRANTED TO THEM BY SECTION 184A OF THE ARMY ACT AND SECTION 184A OF THE AIR FORCE ACT.

WHEREAS Section 184A of the Army Act and Section 184A of the Air Force Act apply only when such conditions as may be prescribed by regulations made by the Army Council and Air Council are complied with.

NOW THEREFORE it is hereby declared that the said sections shall apply if any of the following conditions are complied with :—

(1) If an order applying the sections is made by the Army Council and Air Council.

(2) If in case of emergency where two forces are acting together and reference to the Army Council would cause undue delay, an order in writing applying the sections is made by the officers commanding the two forces respectively, but in such case such officers shall communicate the fact to the Army Council and Air Council.

It is also hereby declared that :—

(3) Whenever any body of the military police is acting in any place where there shall be present any body of His Majesty's air force, then, for the purposes of command and discipline and for the purposes of the provisions of the Air Force Act relating to superior officers, the officers, warrant officers, and non-commissioned officers who are members of such body of the military police shall, in relation to such body of His Majesty's air force as aforesaid, be treated and have all such powers (other than powers of punishment) as if they were air force officers, warrant officers and non-commissioned officers as the case may be.

(4) Whenever any body of the air force police is acting in any place where there shall be present any body of His Majesty's military forces, then, for the purposes of command and discipline and for the purposes of the provisions of the Army Act relating to superior officers, the officers, warrant officers and non-commissioned officers who are members of such body of the air force police shall, in relation to such body of His Majesty's military forces as aforesaid, be treated and have all such powers (other than powers of punishment) as if they were military officers, warrant officers or non-commissioned officers, as the case may be.

(5) Whenever any air force prisoners or airmen undergoing detention are committed to any prison or detention barrack, the governor, commandant, officers or staff of which are officers, warrant officers or non-commissioned officers of a body of His Majesty's military forces, then, for the purposes of command and discipline and for the purposes of the provisions of the Air Force Act relating to superior officers, such officers warrant officers, or non-commissioned officers of His Majesty's military forces shall, in relation to such air force prisoners or airmen undergoing detention as aforesaid during the period that they are so committed as aforesaid, be treated, and have all such powers (other than powers of punishment) as if they were air force officers, warrant officers or non-commissioned officers, provided that nothing herein contained shall derogate from any powers of punishment which such officers, warrant officers or non-commissioned officers may have under or by virtue of any rules made pursuant to Section 133 of the Air Force Act or Section 133 of the Army Act.

Signed on behalf of the Army Council this twenty-second day of March, 1918.

Signed. *Derby.*
Signed. *C. F. N. Macready.*
Signed. *R. D. Whigham.*

Signed on behalf of the Air Council this twenty-second day of March, 1918.

Signed. *Rothermere.*
Signed. *H. Trenchard.*
Signed. *Godfrey Paine.*

PART V.

ARMY (SUSPENSION OF SENTENCES) ACT, 1915.

CHAPTER 23.

An Act to authorise the suspension of sentences of penal servitude and imprisonment passed on soldiers engaged in active service beyond the seas during the present war. A.D. 1915

[16th March 1915.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to suspend sentences of penal servitude or imprisonment.

1.—(1) Where a soldier employed on active service beyond the seas during the present war is sentenced to penal servitude or imprisonment, the confirming authority to whom the sentence is submitted for confirmation may, when confirming the sentence, direct that the soldier be not committed to prison until the orders of a superior military authority have been obtained.

(2) A superior military authority may in the case of any such soldier so sentenced—

(*a*) direct that a committal to prison shall not be issued until his orders have been obtained;

(*b*) suspend the sentence whether or not the soldier has already been committed to prison.

(3) Where a sentence of penal servitude or imprisonment is suspended under this section before the soldier has been committed to prison, the soldier if in custody shall be released, and, notwithstanding anything in the Army Act, the sentence shall not begin to run until the soldier is committed to prison under that sentence.

(4) Where a sentence of penal servitude or of imprisonment is suspended under this section after the soldier has been committed to prison he shall be discharged and the currency of the sentence shall be suspended until he is again committed to prison under the same sentence.

(5) Where a sentence has been suspended under this section the case may at any time, and shall at intervals of not less than three months, be reconsidered by a competent military authority, and if on any such reconsideration it appears to the competent military authority that the conduct of the soldier since his conviction has been such as to justify a remission of the sentence he shall remit it.

(6) A superior military authority may at any time whilst a sentence is suspended under this section order that the soldier be committed to prison, and thereupon the sentence shall cease to be suspended.

(7) Where a soldier whilst a sentence on him is so suspended is sentenced to penal servitude or imprisonment for any other offence, then, if that sentence is also suspended under this section, the authority ordering the suspension may direct that the two sentences shall run either concurrently or consecutively, so, however, that the aggregate term of imprisonment served under two or more

sentences of imprisonment shall not exceed two consecutive years; and where the sentence for such other offence is a sentence of penal servitude, then, whether or not that sentence is suspended, any previous sentence of imprisonment which has been suspended shall be avoided.

(8) The powers conferred by this section shall be in addition to and not in derogation of any powers as to the mitigation, remission, commutation, or suspension of sentences conferred by the Army Act, and a superior authority under this Act shall as respects soldiers so employed as aforesaid be an authority having power to mitigate, remit, or commute sentences of penal servitude or imprisonment under subsection (2) of section fifty-seven of the Army Act.

(9) In this Act—

The expression "superior military authority" means the officer commanding in chief of any force employed on active service beyond the seas, or any general officer commanding an army comprised in that force;

The expression "competent military authority" means a superior military authority, or any general or other officer not below the rank of field officer duly authorised by a superior military authority.

Short title and construction.

2. This Act may be cited as the Army (Suspension of Sentences) Act, 1915, and shall be construed as one with the Army Act.

ARMY (SUSPENSION OF SENTENCES) AMENDMENT ACT, 1916.

CHAPTER 103.

A.D. 1916. *An Act to amend the Army (Suspension of Sentences) Act, 1915.*

[27th January 1916.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 5 Geo. 5, c. 23, s. 1.

1.—(1) The Army Council, and any general officer whom the Army Council may appoint for the purpose, shall be a superior military authority within the meaning of the Army (Suspension of Sentences) Act, 1915.

(2) Subsection (5) of section one of that Act shall have effect, and shall be deemed always to have had effect, as if for the words "intervals of not less than three months" there were substituted the words "intervals of not more than three months," and subsection (8) as if for the words "superior authority" there were substituted the words "superior military authority."

Short title.

2. This Act may be cited as the Army (Suspension of Sentences) Amendment Act, 1916, and the Army (Suspension of Sentences) Act, 1915, and this Act may be cited together as the Army (Suspension of Sentences) Acts, 1915 and 1916.

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